

Currituck County Board of Commissioners Agenda

Historic Currituck County Courthouse

Date: Monday, October 20, 2008

Time: 7:00 PM

Work Sessions

5:30 Covenants for Maple Commercial Park

6:00 Update on Moyock Central Wastewater Project

Regular Agenda

7:00 p.m. Invocation
Pledge of Allegiance

Item 1 Approval of Agenda

Item 2 Public Comment

Please limit comments to items not appearing on the regular agenda, please limit comments to 3 minutes.

Item 3 **Public Hearing and Action** PB 08-39 Horatio Newbern: Request to rezone 18.87 acres from Agricultural (A) to Conditional District – General Business (CD-GB). The property is located at 231 Buster Newbern Road, Tax Map 110, Parcel 43, Poplar Branch Township.

Item 4 **Public Hearing and Action** PB 08-49 Currituck County: Request to amend the Currituck County Unified Development Ordinance for a series of ordinance corrections and updates.

Item 5 **Appointment of Commissioner to Senior Citizen Advisory Board**

Item 6 **Discussion of Commissioner's attendance record on advisory boards**

Item 7 **Consent Agenda:**

1. Proclamation - Domestic Violence Awareness Month and National Day of Unity
2. Fireman's Relief Fund Officers for Moyock VFD, Crawford VFD, Lower Currituck VFD, Corolla Fire & Rescue, Knotts Island and Carova Beach VFD

3. Budget Amendments
4. Mainland Water Treatment Plant RO Expansion-Change Order No. 1
5. Approval of October 6, 2008, Minutes

Item 8 Commissioner's Report

Item 9 County Manager's Report

Adjourn

**CASE ANALYSIS FOR THE
BOARD OF COMMISSIONERS
MEETING DATE: October 20, 2008
Conditional District Zoning Map Amendment:
PB 08- 39 Horatio Newbern**

TYPE OF REQUEST: To rezone 18.87 acres from "Agricultural (A) to Conditional District General Business (CD-GB)"

LOCATION: This property is located at 231 Buster Newbern Road.

TAX ID: Tax Map 110, Parcel 43
011000000430000

OWNER/APPLICANT: Horatio D. Newbern III
Finley S. Newbern
7519 A Caratoke Hwy.
Jarvisburg, NC 27947

AGENT: Same

CURRENT ZONING: Agricultural (A)

PROPOSED ZONING: Conditional District- General Business (CD-GB)

ZONING CONDITIONS: The applicant has developed the following condition that will apply to this property:

- Outdoor storage of materials and equipment shall be fully screened from adjacent properties and Buster Newbern Road.

ZONING HISTORY:

- The property was zoned Agricultural (A) on April 2, 1989.
- A Special Use Permit (SUP) was issued for this property on February 3, 1997. The SUP was requested to temporarily store untreated demolition waste (tree limbs, stumps, other untreated wood products) on one acre of land.

SURROUNDING PROPERTY:

	Land Use	Zoning
NORTH:	Agricultural/Undeveloped	A
SOUTH:	Residential/Agricultural	A/HM
EAST:	Agricultural/Residential	A/R
WEST:	Business/Agricultural/Residential	GB/A

EXISTING LAND USE: Agricultural/Undeveloped

PROPOSED LAND USE: Conditional District General Business (CD-GB): The applicant has indicated that the property will continue in farm use as well as a demolition landfill.

**LAND USE PLAN
CLASSIFICATION:**

The 2006 Land Use Plan classifies this site as **Limited Service** within the **Jarvisburg Sub-Area**.

The purpose of the Limited Services classification is to provide for primarily residential development at low densities. While low-density development may continue to locate in these areas, it is recognized that soil limitations, flood prone areas, and a lack of infrastructure and services may prevent these areas from ever reaching an urban level of development. Because many of the areas identified for Limited Service also include prime farmland efforts should be made to ensure that thriving agricultural operations are protected from encroaching development through the use of buffering, landscaping, and conservation oriented design.

With respect to nonresidential uses, it is essential that the existing community character be preserved. Design criteria should be established to ensure that commercial development protects and preserves the existing community in scale, architectural style, materials, landscaping, and site design. In general, neighborhood commercial uses are more appropriate than large scale commercial complexes.

The policy emphasis of the 2006 plan is to allow the Jarvisburg area to accommodate quality residential development at low densities while preserving the rural landscape between such developments. Similar to the Grandy area, but at a lower overall density, new residential development should be encouraged to locate in compact, village like clusters, preferably near existing, non-agricultural activities and services.

The following Land Use Plan policies are also relevant to this request:

POLICY CD5: Incompatible or poorly planned COMMERCIAL ENCROACHMENT within or immediately adjoining existing residential areas shall be prohibited. Such incompatible encroachments often include, but are not limited to, large-scale commercial uses or automobile-oriented commercial uses such as service stations, car lots, car washes, drive through restaurants, and the like.

POLICY CD6: Appropriate OFFICE AND INSTITUTIONAL DEVELOPMENT, such as professional offices, small churches, individual medical offices, and the like, shall be encouraged to locate as a transitional land use between residential areas and commercial or industrial activities of higher intensity. "Activities of higher intensity" are typically large-scale commercial uses or

automobile-oriented commercial development but may also include major thoroughfares.

POLICY CD7: Attractive, environmentally beneficial LANDSCAPING shall be provided by new commercial or office developments, and in the rehabilitation and upgrading of existing developments. Appropriate BUFFERING or other effective DESIGN FEATURES may be employed to allow less intensive forms of commercial and office development to adjoin existing or planned residential uses.

PUBLIC SERVICES AND UTILITIES:

The Lower Currituck Volunteer Fire Department provides fire protection for this area. Electric, telephone and cable television are available. Public water is not available.

TRANSPORTATION:

The site is accessible from Buster Newbern Road.

FLOOD ZONE:

This site is not located in a special flood hazard area.

WETLANDS:

There are no wetlands onsite.

SOILS:

The Currituck County Soils map indicates the property contains primarily marginal soils for on-site septic systems with a small percentage of suitable soils.

COMMUNITY MEETING:

No community meeting was held.

STAFF RECOMMENDATION:

Staff recommends modified approval of the request to establish 18.87 acres from "Agricultural (A) to Conditional District General Business (CD-GB)"

Justification for modified approval: The following points support the approval of this request as presented.

1. The proposed request is in general compliance with Limited Service designation of the 2006 Land Use Plan and the Jarvisburg Sub-Area Policy Emphasis.
2. The proposed zoning conditions are consistent with the objectives of the Currituck County Unified Development Ordinance and 2006 Land Use Plan and promote compatibility between the subject property and surrounding area. (LUP Policy CA3)

3. The adjacent property just to the north and west of the subject property are zoned General Business (GB).
4. There is a Full Service area immediately south of the subject property across Buster Newbern Road. If approved as a CD-GB district with a limited range of permitted uses and design requirements, the subject property would serve as a transitional area for the Limited Service area to the north.

Outstanding Staff Concerns: The conditional zoning process provides an opportunity for an applicant to propose use limitations or development conditions that ensure development proposals are consistent with the policies set forth in adopted plans. Staff feels the following concerns could be appropriately addressed through the conditional zoning process.

1. Staff recommends that the following GB uses shall be excluded from the property to promote more neighborhood serving commercial areas:
 - Retail sales of manufactured/modular homes
 - Airport (private)
 - Bars/nightclubs as a principle use
 - Tattoo and body piercing studio
 - Hotel/motel
 - Carwash
2. Staff recommends a minimum 25 foot buffer be provided between the proposed development and all adjacent properties (to screen the storage of untreated demolition waste products). The buffer shall be opaque from the ground to a height of at least six feet, with intermittent visual obstructions from the opaque portion. The intermittent buffer shall be planted with vegetation of a minimum two inch caliper and eight feet in height (Section 5.5 of the UDO)
3. Staff recommends that the property be surveyed according to the proposed zoning in order to have a surveyor certify the official zoning line and size of the property.
4. Staff is reviewing the SUP for temporary storage of untreated demolition waste (tree limbs, stumps, other untreated wood products) at 134 Buster Newbern Road to determine compliance.
5. Currently, the county has:
 - a. A total GB zoned property = 4,278 acres (2.6% of all zoning)
 - b. A total GB zoned property developed for commercial use = 1,167 acres
 - c. A total percentage of GB zoned property actively used as commercial = 27%

PLANNING BOARD DISCUSSION

Mr. Kovacs asked for clarification on the eastern lot line.

Mr. Newbern asked Mr. Woody if you would need a conditional use permit under general business.

Mr. Woody stated that it would depend on what you would be doing with the property.

Ms. White stated that in the Unified Development Ordinances there are 115 uses for general business.

Mr. Midgette asked why this was not filed as a straight rezoning or did the applicant request this to be filed as a Conditional District Zoning Map Amendment.

Mr. Woody stated that staff asked this to be filed as a Conditional District Zoning Map Amendment because this parcel is designated limited service. Staff does not know what the property will be used for.

Ms. Turner stated it is hard to issue an approval for general business rezone without knowing what the property will be used for because you cannot protect the residential properties.

Mr. Newbern stated that more than likely the property would be kept as farm use because of the cost of taxes.

Mr. Woody stated that in the conditional zoning process additional zoning conditions are just recommendations by the staff. Any restrictions on the zoning request would have to be agreed upon by the applicant and the Board of Commissioners.

Mr. Newbern stated he will exclude the following from his property:

- Ø Retail sales of manufactured/modular homes
- Ø Landfills – demolition and reclamation
- Ø Airport (private)
- Ø Bars/nightclubs
- Ø Tattoo and body piercing studio
- Ø Hotel/motel
- Ø Carwash

Mr. Woody stated that in the general business zoning district the county has 4,000 acres which approximately 75% of it is vacant.

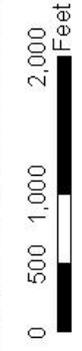
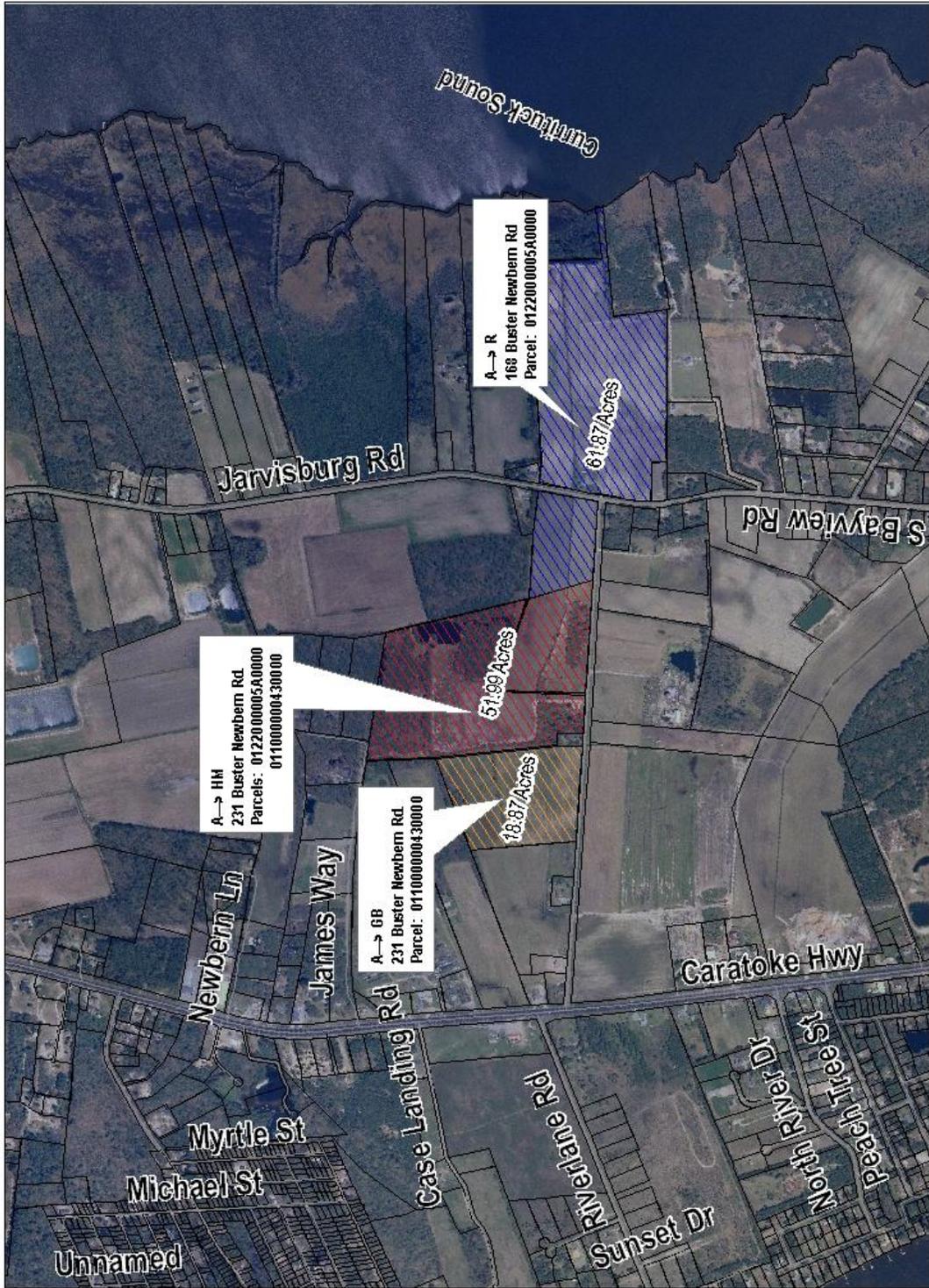
Mr. West asked if restrictions were put on a conditional rezoning request and then you wanted to come back and do one of the restrictions; would you have to start the process all over.

Mr. Woody stated yes.

Ms. White stated that staff could work with the applicant before this goes to the Board of Commissioners meeting.

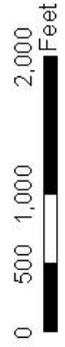
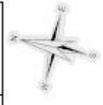
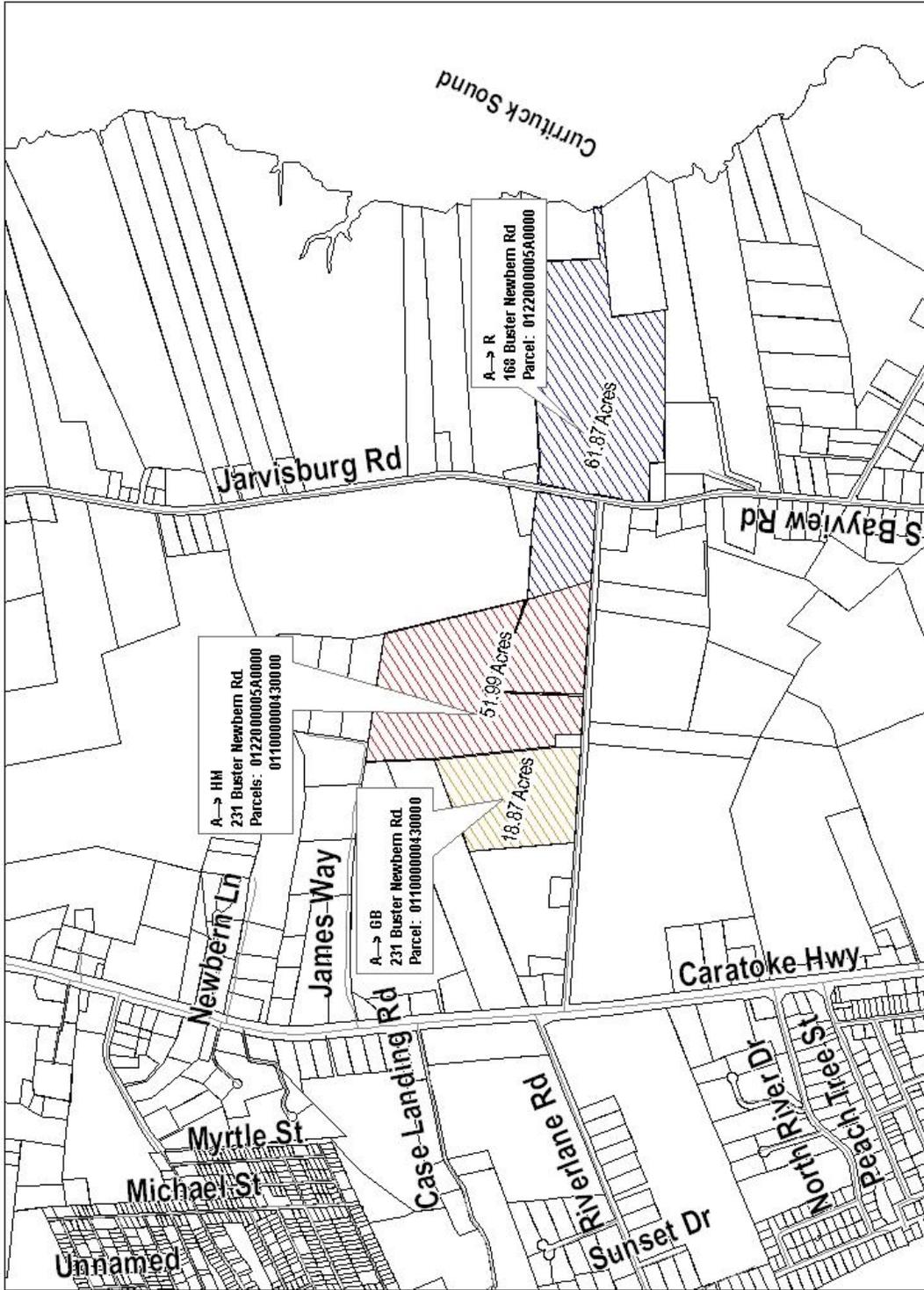
ACTION

Mr. Bell motioned to recommend approval with staff recommendations; to exclude retail sales of manufactured/modular homes, landfills-demolition and reclamation, airport (private), bars/nightclubs, tattoo and body piercing studio, hotel/motel, and carwash from the property according to the 2006 Land Use Plan to rezone 18.87 acres from Agricultural (A) to Conditional District-General Business (CD-GB). Mr. West seconded the motion. Motion carried unanimously.



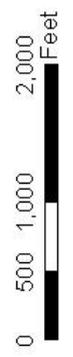
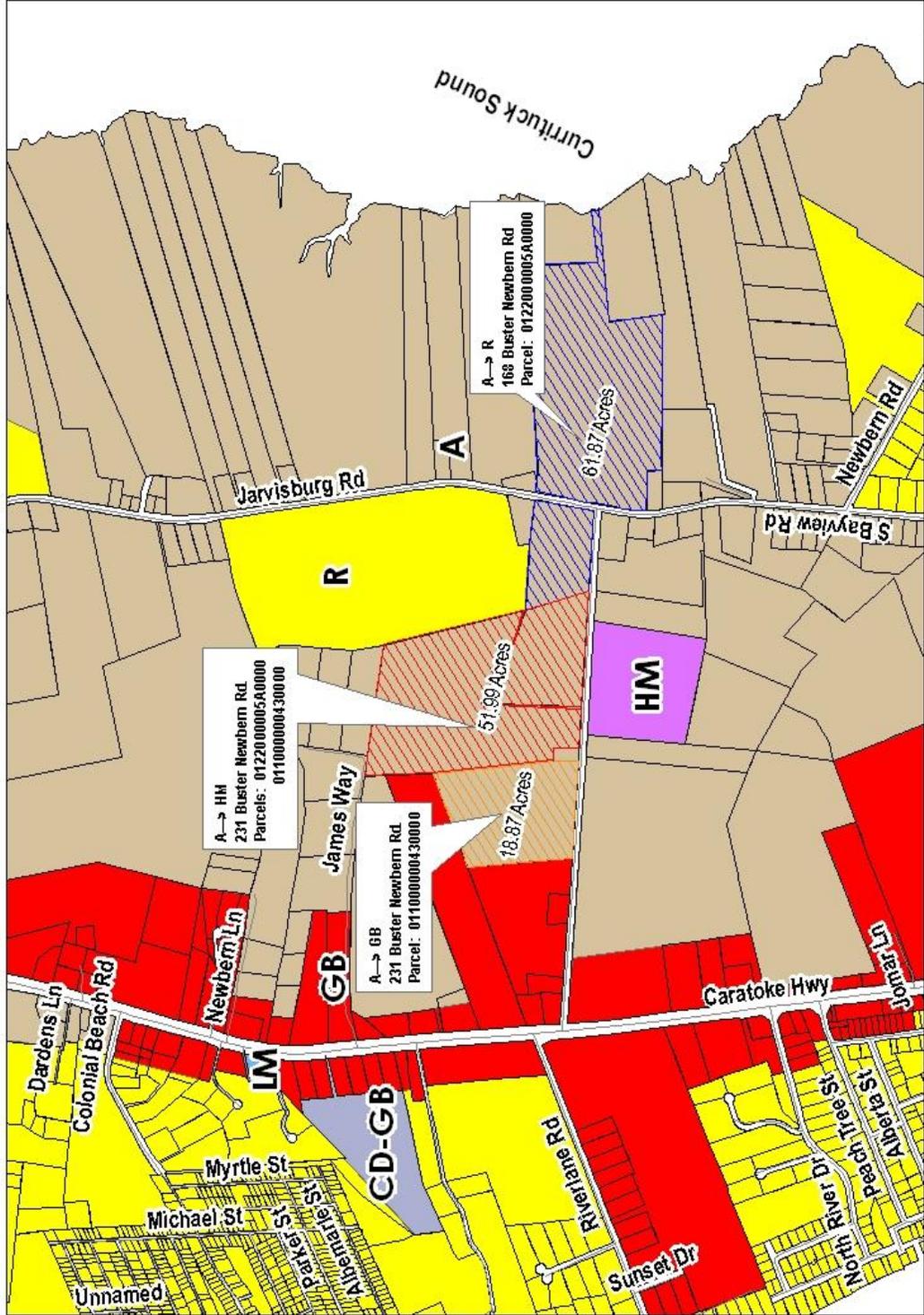
PB 08-38 Horatio Newbern
Conditional Rezoning: A to R





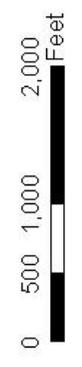
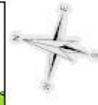
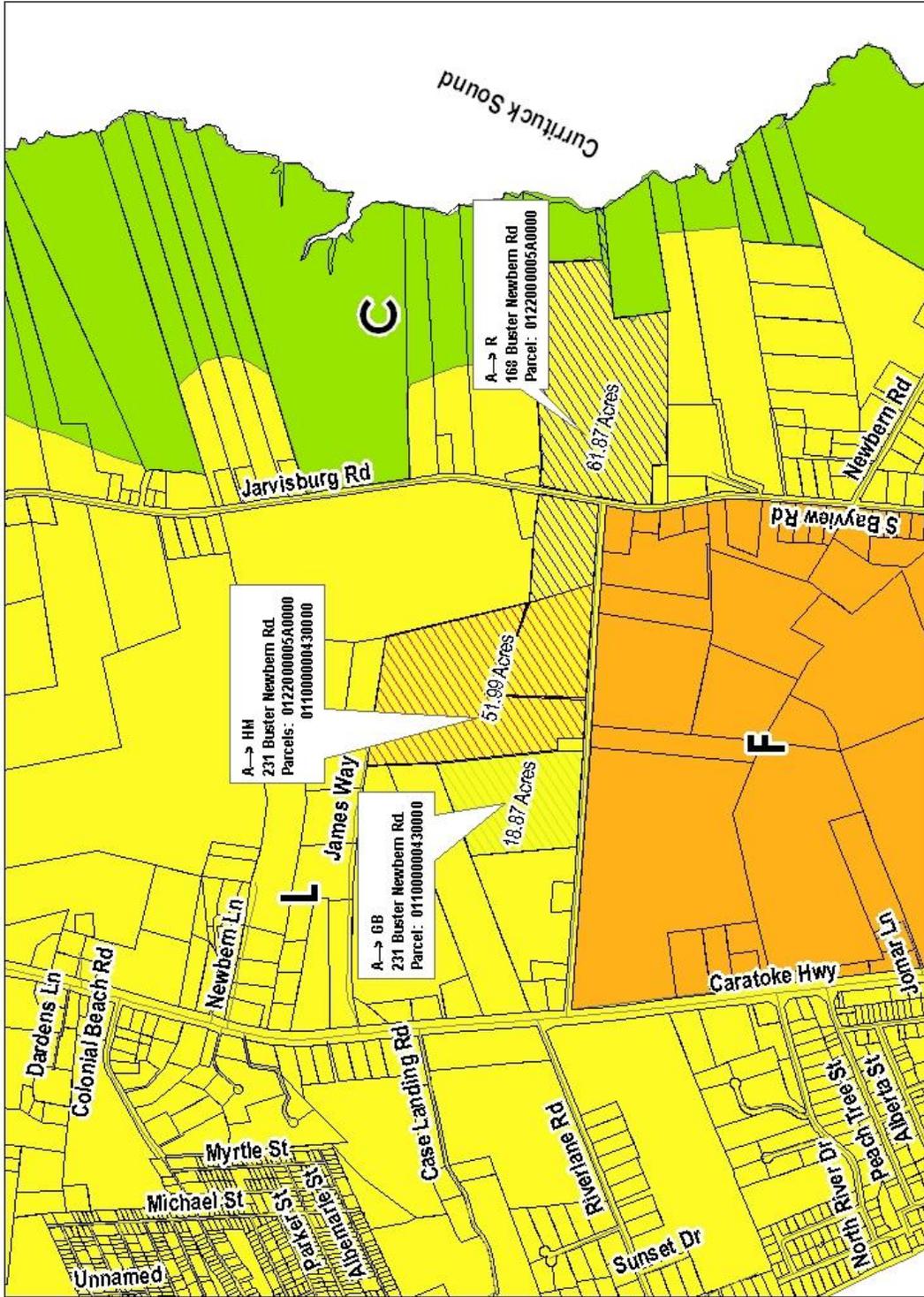
PB 08-38 Horatio Newbern
 Rezoning: A to R





Horatio Newbern
Conditional Rezoning





Horatio Newbern
Conditional Rezoning





Currituck County

Department of Planning
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MEMORANDUM

To: Board of Commissioners

From: Ben E. Woody, AICP
Planning Director

Date: October 7, 2008

Re: PB 08-49 Currituck County Text Amendment

The enclosed text amendment submitted by the Currituck County Planning Department is intended to clarify and revise miscellaneous sections of the Unified Development Ordinance (UDO). In December of 2007, the Board of Commissioners (BOC) adopted a reformatted and reorganized version of the UDO. This was done in an effort to make the document more user-friendly. During the rewrite and adoption process, it was not the intention of the BOC to make significant policy changes to any zoning or subdivision ordinances.

Subsequently staff has identified inconsistencies between the recently adopted UDO and its predecessor. Most of these discrepancies have been documented during application of the UDO and compiled over the course of the previous year. Some of the proposed changes are as minor as an incorrect cross reference, while others represent the inclusion of ordinance language that was not carried over during the reorganization.

This request also includes Items 17 and 18 as requested by the Planning Board and Commissioner Etheridge respectively.

Attached please find the meeting minutes from the September 9 Planning Board meeting, at which a unanimous recommendation for approval was given. Should you have any questions, do not hesitate to contact me at 232-6029.

PLANNING BOARD DISCUSSION

Mr. West stated that in #5 not to use gravel and put concrete and asphalt.

Ms. Turner stated that in #15 to take out cost plus and request to put 20% of the improvement of the cost.

ACTION

Ms. Turner motioned to recommend approval of the text amendment to clarify and revise miscellaneous sections of the Unified Development Ordinance (UDO) as presented with the noted changes to #5 and #15. Mr. Etheridge seconded the motion. Motion carried unanimously.

**Currituck County
PB 08-49
UDO AMENDMENT REQUEST**

An amendment to Chapter 2: Zoning Districts; Chapter 3: Special Requirements; Chapter 4: Overlay Districts; Chapter 9: Infrastructure; Chapter 10: Subdivision Requirements; Chapter 11: Permit and Site Plan Requirements; and, Chapter 12: Map and Text Amendments.

BE IT ORDAINED by the Board of Commissioners of the County of Currituck, North Carolina that the Unified Development Ordinance of the County of Currituck be amended as follows:

Item 1: That Chapter 2: Zoning Districts, Section 2.5 Permitted Uses Table is amended by adding the following underlined language in alphabetical order:

Section 2.5 Permitted Uses Table

Use	LUC	Zoning Districts											Special Requirements
		A	RA	R	RO1	RO2	RR	GB	C	LBH	LM	HM	
<u>Pawn Shops</u>	<u>IV</u>								<u>S</u>		<u>S</u>	<u>S</u>	

Item 2: That Chapter 2: Zoning Districts, Section 2.6.3 is amended by deleting the strikethrough language and adding the following underlined language:

2.6.3 Lot Requirements

H. Double frontage lots shall establish a ~~are permitted where there is a prohibition to the most traveled road (Poplar Branch Rd. SR 1131, Tulls Creek Rd SR 1222, US 158, NC 168, NC 34 and NC 12).~~ A five foot non ingress/egress easement shall be provided along the rear lot lines abutting arterial streets on the most traveled roadway.

Item 3: That Chapter 2: Zoning Districts, Section 2.7.1 Dimensional Tables, Table of Area, Separation and Height is amended by deleting the strikethrough language and adding the following underlined language:

TABLE OF AREA, SEPERATION AND HEIGHT

(4) See Section 10.54 for density bonuses.

Item 4: That Chapter 2: Zoning Districts, Section 2.7.1 Dimensional Tables, Table of Area, Separation and Height is amended by deleting the strikethrough language and adding the following underlined language:

TABLE OF AREA, SEPERATION AND HEIGHT

Min. Setbacks (feet) ⁽⁷⁾		
Front	Side (7)	Rear

(7) ~~Ten foot side yard setbacks shall apply to a~~Any lot shown within a subdivision or PUD granted a minimum of sketch plan approval from the Planning Board prior to April 2, 1989 shall: (i) have a ten foot side yard setback; and, (ii) have a ten foot rear setback where the rear lot line abuts a common open space area.

Item 5: That Chapter 3: Special Requirements, Section 3.6.1(C) is amended by deleting the following strikethrough language:

3.6.1 Automotive/Boat/Heavy Equipment/Manufactured and Modular Home Sales and Service

C. All outdoor vehicle and boat display areas shall be graded and paved with concrete, or asphalt ~~or gravel.~~

Item 6: That Chapter 2, Table of Overlay District Area and Width; Chapter 4: Overlay Districts, Table of Contents; Section 4.1 Purpose; Section 4.2 Planned Residential Development (PRD) Overlay (deleted in its entirety); Section 5.4(D); Section 9.1.8.1; Section 9.1.8.3; Section 9.2.6.1; and Section 9.2.7.1 are amended by deleting the strikethrough language, adding the following underlined language, and renumbering accordingly:

Chapter 2: Zoning Districts

TABLE OF OVERLAY DISTRICT AREA AND WIDTH

Overlay	Minimum District Area	Minimum Lot Width (ft.)
Planned Residential Development (PRD)	40-acres	65

Chapter 4: Overlay Districts

Section	Page
4.1 Purpose	4-2
4.2 Planned Residential Development Overlay <u>RESERVED</u>	4-2
4.3 Planned Unit Development Overlay.....	4-4

Section 4.1 Purpose

Overlay districts are created to provide additional development standards for specially identified areas. Overlay districts combine with the regulatory provisions of the underlying base zoning district to provide additional or supplementary standards. The following overlay districts are created for this purpose:

- ~~PRD~~ ~~Planned Residential Development Overlay~~
- PUD Planned Unit Development Overlay
- RAD Residential Airpark Development Overlay
- RET Planned Adult Retirement Overlay
- RMF Residential Multi-family Overlay
- OB Outer Banks Overlay

Section 4.2 RESERVED

Section 5.4 Table of Bufferyard Requirements

~~D. In a PRD, the screening requirements that would normally apply where two-family or multi-family development adjoins single-family development shall not apply within the tract developed as a PRD, but all screening requirements shall apply between the PRD and adjacent lots.~~

9.8.1.8 Subdivision Streets

9.8.1.8.1 All subdivision streets shall meet the following standards:

Street Standards for Subdivisions					
	Right-of-Way ¹	Pavement/Shoulder Width – Local Road	Pavement/Shoulder Width – Collector Road	NCDOT Design Standards	NCDOT Construction Standards
PRD & PUD	30' min.	20'/N/A OR 1 Way - 14'/N/A	N/A	No	Yes

9.1.8.3 Exemptions to street standards

- A. Streets within private access subdivisions, ~~planned residential developments (PRD)~~, and planned unit developments (PUD) shall be exempt from NCDOT design standards in regards to allowable road curvature, right-of-way and pavement widths to allow flexibility in the subdivision design.
- ~~B. Streets and roads within PRDs connecting directly to state roads shall have 60 feet right-of-way within a minimum of 50 feet of the intersection. Public streets carrying local two-way traffic within a PRD shall have a minimum of 20 feet of paved surface width.~~

9.2.6.1 Water Supply System Required

- C. All developable lots within planned unit developments ~~and planned residential developments~~ shall be connected and serviced by a central water system.

9.2.7.1 Sewage System Required

- C. All developable lots within planned unit developments ~~and planned residential developments~~ shall be connected and serviced by a package tertiary treatment plant.

Item 7: That Chapter 4: Overlay Districts, Section 4.3.3(C) is amended by adding the following underlined language:

4.3.3 Dimensional & Density Requirements

- C. The below dimensional requirements shall apply to individual lots within the PUD Overlay:

PUD Overlay	Density	Minimum Lot Size		Minimum Yard Requirements			Max. Height	<u>Min. Lot Width</u>
		Min. Lot Size (with centralized water & on-site sewer)	Min. Lot Size (with centralized water & sewer)	Front Setback (ft.)	Side Setback (ft.)	Rear Setback (ft.)		Structure Height (ft.)
R, RA, RO1 components	Max. Density							
	3 DUA	20,000sf	10,000sf*	20	15	25	35	<u>65</u>

Item 8: That Chapter 9: Infrastructure, Section 9.1.8.3 is amended by deleting the strikethrough language and adding the following underlined language:

9.1.8.3 Dedication

All streets shall be designated as being intended for dedication to NCDOT for maintenance or for maintenance by an established homeowners association in accordance with the provisions of this ordinance. A maintenance guarantee of fifteen percent of the construction cost is required to cover maintenance expenses until the streets are accepted by NCDOT. If the street is to be dedicated to a homeowners association, refer to Section 10.65 for maintenance requirements.

Item 9: That Chapter 9: Infrastructure, Section 9.1.8.5 is amended by deleting the strikethrough language and adding the following underlined language:

9.1.8.5 Sidewalks

Within all residential subdivisions over 19 lots, the subdivider shall be required to install concrete sidewalks along ~~one~~ both sides of all proposed streets in accordance with NCDOT regulations, except in the RO2 District.

Item 10: That Chapter 9: Infrastructure, Section 9.2.6.4 is amended by deleting the strikethrough language and adding the following underlined language:

9.2.6.4 Fees

All connection fees shall be paid for each residential lot that is required to be connected to the county water system ~~as a condition of~~ prior to final plat approval. All connection fees shall be paid for each commercial lot required to be connected to the county water system at the time of issuance of the building permit authorizing construction to begin.

Item 11: That Chapter 10: Subdivision Requirements, Section 10.1.2(B) and Section 10.1.2(B)(2) are amended by adding the following underlined language:

10.1.2 Applicability

- B. A 'subdivision' is the division of a tract or parcel of land into two or more lots, building sites or other divisions for the purpose, whether immediate or in the future, of sale or building development and shall include all divisions of land involving the dedication of a new street or a change in existing streets. The following types of subdivisions shall not be subject to the review process established within this ordinance; however, any map or plat to be recorded pursuant to any such exclusion shall bear the notation "no approval required" and the signature of the subdivision administrator or his designee prior to being presented for certification by the review officer:

2. The division of land into parcels greater than ten acres where no street right-of-way dedication is involved. Each resultant parcel must be greater than ten acres;

Item 12: That Chapter 10: Subdivision Requirements, Section 10.2.1(B)(4) is amended by adding the following underlined language:

10.2.1 Review Process

- B. The review process is administrative as follows. The numbers in the flow chart correspond to the numbered details below the chart.
 4. TRC Review
The technical review committee shall review the plat in accordance with the requirements of this ordinance if required by Administrator.

Item 13: That Chapter 10: Subdivision Requirements, Section 10.2.4(A) is amended by deleting the strikethrough language and adding the following underlined language:

10.2.4 Family Subdivisions

Family subdivisions (FS's) are a type of minor subdivision and shall meet the following requirements in addition to all other applicable requirements of this ordinance:

- A. FS's shall be developed exclusively for single-family dwellings located on individual lots fronting on a private access-way or a public street, but shall not ~~be front~~ on an arterial or major arterial. If the lot has frontage on two streets, one of which is an arterial or major arterial, a five foot non-access easement is required along the arterial/major arterial property line.

Item 14: That Chapter 10: Subdivision Requirements, Section 10.4.2 is amended by adding the following underlined language:

10.4.2 Minimum Open Space Requirements (not including Conservation Subdivisions)

Open space shall be dedicated in accordance with the table below. Percentages are based on total development area. At least 50 percent of the open space required shall be lands suitable for development and shall not include, among other things, wetlands (CAMA, 404, 401) and swamps. Recreational amenities, such as water front access sites and picnic areas, shall be allowed within required open space areas. Portions of required open space shall also be allowed for dedication to the county for the development of necessary public facilities such as schools.

Item 15: That Chapter 10: Subdivision Requirements, Section 10.5.1(B) is amended by deleting the following strikethrough language:

10.5.1 Surety Guarantee Required for Maintenance

- B. The surety guarantee shall contain provisions granting the county, or other designated agency, the authority to go onto the property and upgrade/maintain the common areas. The total amount of the surety guarantee shall be estimated by the developer and approved by county staff, in consultation with local and state officials, to cover the amount such improvements would cost to bring them up to required standard based upon a cost plus 20 percent of the improvement cost formula.

Item 16: That Chapter 12: Map and Text Amendments, Table of Contents is amended by deleting the strikethrough language and adding the following underlined language:

Chapter 12: Map ~~&and~~ Text Amendments

Section	Page
12.5 Map Amendment Process.....	12-6
12.76 Resubmission of Request.....	12-10

Item 17: That Chapter 11: Permit and Site Plan Requirements, Section 11.7.1(E)(2); Chapter 12: Map and Text Amendments, Section 12.4.1(D)(1) and Section 12.5.1(D)(2) are amended by deleting the strikethrough language and adding the following underlined language:

11.7.1 Review Process

E. Planning Board Review & Recommendation

- 2. The Planning Board shall have ~~60 days~~ two months from the ~~date of its first hearing by the Planning Board~~ initial referral of the request by the administrator to forward its recommendation to the Board of Commissioners. ~~Failure to transmit their recommendation within the allotted time shall have the same effect as a recommendation for approval. If the Planning Board should fail to act on any proposed amendment within two months after it is referred to the board the request shall be forwarded to the Board of Commissioners without a recommendation.~~ In addition, at the request of the Planning Board, the board may continue the public hearing to allow more time to consider the application.

12.4.1 Review Process

D. Planning Board Review and Recommendation

1. The Planning Board shall have ~~60 days~~ two months from the initial referral of the request by the administrator to either recommend in favor of an amendment or in opposition to an amendment in writing by simple majority vote of those present and voting. If the Planning Board should fail to act on any proposed amendment within ~~60 days~~ two months after it is referred to the board the request shall be forwarded to the Board of Commissioners without a recommendation. However, if the Planning Board is not prepared to make recommendations at the public hearing, it may request the board to delay final action on the amendment until such time as the Planning Board can present its recommendations. The Board of Commissioners is not bound by the recommendations, if any, of the Planning Board.

12.5.1 Review Process

D. Planning Board Review and Recommendation

2. The Planning Board shall have ~~60 days~~ two months from the initial referral of the request by the administrator to either recommend in favor of an amendment or in opposition to an amendment in writing by simple majority vote of those present and voting. If the Planning Board should fail to act on any proposed amendment within ~~60 days~~ two months after it is referred to the board the request shall be forwarded to the Board of Commissioners without a recommendation. However, if the Planning Board is not prepared to make recommendations at the public hearing, it may request the board to delay final action on the amendment until such time as the Planning Board can present its recommendations. The Board of Commissioners is not bound by the recommendations, if any, of the Planning Board.

Item 18: That Chapter 2: Zoning Districts, Section 2.3.4 is amended by deleting the strikethrough language and adding the following underlined language:

Section 2.3 Conditional Zoning

2.3.4 Community Meeting ~~Recommended~~ Required

Before a hearing is held on an application for a conditional zoning district, it is ~~recommended~~ required that the applicant hold at least one community meeting. The applicant shall indicate on the application, or at the hearing, ~~whether~~ that a community meeting was held and ~~if so,~~ file a report with the application. The report should include, among other things, the manner and date of contact, the date, time and location of the meeting, a roster of the persons in attendance at the meeting, a summary of issues

discussed at the meeting, and a description of any changes to the rezoning application made by the applicant as a result of the meeting.

Item 19: The provisions of this Ordinance are severable and if any of its provisions or any sentence, clause, or paragraph or the application thereof to any person or circumstance shall be held unconstitutional or violative of the Laws of the State of North Carolina by any court of competent jurisdiction, the decision of such court shall not affect or impair any of the remaining provisions which can be given effect without the invalid provision or application.

Item 20: This ordinance amendment shall be in effect from and after the _____ day of _____, 200__.

Board of Commissioners' Chairman
Attest:

Gwen H. Keene
Clerk to the Board

DATE ADOPTED: _____
MOTION TO ADOPT BY COMMISSIONER: _____
SECONDED BY COMMISSIONER: _____
VOTE: ____AYES____NAYS_____

PLANNING BOARD DATE: _____
PLANNING BOARD RECOMMENDATION: _____
VOTE: ____AYES____NAYS _____
ADVERTISEMENT DATE OF PUBLIC HEARING: _____
BOARD OF COMMISSIONERS PUBLIC HEARING: _____
BOARD OF COMMISSIONERS ACTION: _____
POSTED IN UNIFIED DEVELOPMENT ORDINANCE: _____
AMENDMENT NUMBER: _____

CONTRACT CHANGE ORDER

**Mainland Water Treatment Plant Reverse Osmosis Expansion
Currituck County, North Carolina**

To: Crowder Construction
Company, Inc.
1111 Burma Drive
Apex, NC 27539

Date
Project No.
Contract No.
Change Order No.

September 26, 2008
NC706021.3000
-
1

You are hereby requested to comply with the following changes from the Contract Documents:

Item Number	Description of Changed Quantities, Units, Unit Prices, Changes in Completion Schedule, etc.	Change in Contract Price	Change in Contract Time (Calendar Days)
(1)	(2)		(4)
1	Addition of Storm Water Pipe from Building Downspouts - WCD #1	\$5,214.00	0
2	Addition of Baffle Wall in Storm Water Pond/Grass Swale - WCD #2	\$3,443.00	0
3	Addition of New Magmeter in Existing Raw Water Meter Vault - WCD #3	\$3,682.00	1
4	Relocation of Existing 12" Potable Water Line - WCD #3	\$5,437.00	0
5	Addition of Yard Pipe Fittings - WCD #3	\$9,942.00	0
6	Credit for Deletion of Chemical Feed Pump SCU's/PCU's	(\$11,731.00)	0
7	Additions and Modifications to On-Site Deep Well #1 Electrical System - WCD #4	\$9,237.00	0
8	Increase of Electrical Components Available Fault Current - WCD #8	\$11,377.00	0
9	Addition of Trap Primers in Chemical Areas	\$3,931.00	0
10	Credit for Deletion of Pipe Fittings	(\$732.00)	0
Net Change in Contract due to this Change Order		\$39,800.00	1
Contract Summary			
Original Contract Amount		\$10,234,084.00	426
Added (Deducted) By Previous Change Order(s)			
Subtotal		\$10,234,084.00	426
Added (Deducted) By This Change Order		\$39,800.00	1
Total Adjusted Contract		\$10,273,884.00	427
The Original Contract Substantial Completion Date is:			May 12, 2009
The Revised Substantial Completion Date based upon this Change Order is:			May 13, 2009
This document shall become an amendment to the Contract and all provisions of the contract shall apply hereto.			

Recommended By:

Daniel C. Willigms

ARCADIS, CEM of North Carolina, Inc.

Date: 9/26/2008

Accepted By:

Calvin Harris

Crowder Construction Company

Date: 9/25/2008

Approved By:

Currituck County

Date: _____

DISTRIBUTION: (Original documents to be provided as follows:)

Currituck County
Crowder Constuction Company

ARCADIS
Contractor's Surety

CONTRACT CHANGE ORDER NO. 1

NARRATIVE

Mainland Water Treatment Plant RO Expansion
Currituck County, North Carolina
Project No. NC706021.3000

Total Requested for this Change Order: \$39,800.00

Item 1 – Addition of Storm Water Pipe from Building Downspouts

In response to Stormwater Management Permit comments from NC Division of Water Quality, ARCADIS issued Work Change Directive #1 to Crowder Construction to install a 4" PVC pipe to convey water from gutters and downspouts on the east side of the new RO building to the new storm water pond. Crowder Construction has submitted a request for contract change in the amount of \$5,214 .00 to complete the work as outlined in WCD #1. ARCADIS recommends approval of this item.

Ref: Change Proposal Request No. 1 dated August 4, 2008
Work Change Directive #1 dated February 20, 2008

Item 2 – Addition of Baffle Wall in Storm Water Pond/Grass Swale

In response to additional Stormwater Management Permit comments from NC Division of Water Quality, ARCADIS issued Work Change Directive #2 to Crowder Construction to install a pressure treated wood baffle wall, a grass swale on the southeast corner of the site, and relocation of the storm water riser within the new storm water pond. Crowder Construction has submitted a request for contract change in the amount of \$3,443.00 to complete the work as outlined in WCD #2. ARCADIS recommends approval of this item.

Ref: Change Proposal Request No. 2 dated August 4, 2008
Work Change Directive #2 dated March 18, 2008

Item 3 – Addition of New Magmeter in Existing Raw Water Meter Vault

In response to the County's request to have the ability to accurately measure the flow of raw water as it enters the existing water treatment plant, ARCADIS issued as part of Work Change Directive #3 to Crowder Construction to remove the existing flow control valve abandoned by the County and install a new electromagnetic flow meter within the existing raw water meter vault. Crowder Construction has submitted a request for contract change in the amount of \$3,682.00 and a request for contract time extension in the amount of one calendar day to complete this portion of the work as outlined in WCD #3. ARCADIS recommends approval of this item.

Ref: Change Proposal Request No. 3 dated August 4, 2008
Work Change Directive #3 – Revised dated May 29, 2008

Item 4 – Relocation of Existing 12" Potable Water Piping

Prior to the beginning of site excavation, test holes determined the existing 12" potable water line was not installed in the location as documented on the 1990 record drawings from the construction of the existing

water plant. The confirmed location of the existing 12" potable water line would require the Contractor to support this pipe eight feet above the contractor's crews while excavation and construction of the building basement was completed. While means and methods were available to support this pipe during the excavation of the building foundations, the County expressed concern that the existing 12" potable water line, the only connection between the existing water treatment plant and the water distribution system, could be compromised during the peak summer months. ARCADIS issued as part of Work Change Directive #3 to Crowder Construction a revised site piping layout that relocated the existing 12" potable water line safely away from the construction activities. Crowder Construction has submitted a request for contract change in the amount of \$5,437.00 to complete this portion of the work as outlined in WCD #3. ARCADIS recommends approval of this item.

Ref: Change Proposal Request No. 3 dated August 4, 2008
Work Change Directive #3 – Revised dated May 29, 2008

Item 5 – Addition of Yard Pipe Fittings

In response to the relocation of Raw Water Deep Well #2 from the air port property to the north east corner of the water plant property, ARCADIS issued as part of Work Change Directive #3 to Crowder Construction a revised site piping layout with direction to install a 20"x8" tee, and an 8" valve to allow a tie-in of the raw water piping (installed under another contract) from Raw Water Deep Well #2 to the 20" Deep Raw Water main that provides raw water to the new RO plant. In addition to the change noted above, an additional 16" 45 degree bend was required to relocate a future potable water tie-in away from the raw water tie-in noted above. Crowder Construction has submitted a request for contract change in the amount of \$9,942.00 to complete this portion of the work as outlined in WCD #3. ARCADIS recommends approval of this item.

Ref: Change Proposal Request No. 3 dated August 4, 2008
Work Change Directive #3 – Revised dated May 29, 2008

Item 6 – Credit for Deletion of Chemical Feed Pump SCU's/PCU's

The controls for the chemical feed pumps include a control panel to provide remote operation of the chemical pumps during operation of the new RO treatment plant. However, during shop drawing review, it was noted in the contract specifications that an additional control system above and beyond what was needed to remotely control the chemical pumps was specified and included in the chemical feed pump vendor's proposal. ARCADIS requested a credit be provided to the Owner to delete the additional control systems not required. Crowder Construction has submitted a contract credit in the amount of \$11,731.00. ARCADIS recommends approval of this item.

Ref: Change Proposal Request No. 5 dated September 15, 2008

Item 7 – Additions and Modifications to On-Site Deep Well #1 Electrical System

In response to the changes made to the Raw Water Deep Well project (by others), ARCADIS issued Work Change Directive #4 to Crowder Construction to increase the wire size and pump starter size for Raw Water Deep Well #1. This change was required due to the original motor size ARCADIS designed around was increased from 30 hp to 40 hp. In addition, the controls for Raw Water Deep Well #1 were revised to provide a simpler control system to aid plant staff in future troubleshooting of the control system. .

Crowder Construction has submitted a request for contract change in the amount of \$9,237.00 to complete this portion of the work as outlined in WCD #4. ARCADIS recommends approval of this item.

Ref: Change Proposal Request No. 6 dated September 26, 2008
Work Change Directive #4 dated June 11, 2008

Item 8 – Increase of Electrical Components Available Fault Current

As part of the contract documents, the Contractor was required to perform a short circuit analysis to determine available fault currents in the major electrical components of the new facility. Upon completion of this study, it was noted the Main Switchboard, Motor Control Center and Power Panel #1 as specified were unable to meet the requirements for available fault current. The contract specifications required these particular components to be rated 65,000 AIC (Ampere Interrupting Current). The equipment is sufficient as specified for the plant demands, however, when the back-up generator is initiated, and the utility power and the generator power are in sync, the potential exists for a short circuit that is excess of the rating for the above mentioned equipment. ARCADIS issued as part of Work Change Directive #8 to Crowder Construction a directive to increase the AIC rating for the above mentioned components from 65,000 AIC to 100,000 AIC to eliminate any concerns of potential short circuits damaging essential plant equipment. Crowder Construction has submitted a request for contract change in the amount of \$11,377.00 to complete this portion of the work as outlined in WCD #8. ARCADIS recommends approval of this item.

Ref: Change Proposal Request No. 7 dated September 12, 2008
Work Change Directive #8 dated September 8, 2008

Item 9 – Addition of Trap Primers in Chemical Areas

In response to concerns regarding the potential for sewer gas traveling into the chemical storage area through floor drains, ARCADIS requested a quote from the Contractor to provide trap primers for the floor drains within the chemical storage area. Trap primers keep P-Traps in the drain lines full of water to prevent sewer gases from entering occupied areas through drain piping connected to a sewer system. ARCADIS initially specified standard P-traps without trap primers in the drain piping due to expectations that the chemical areas would have wash downs at regular intervals that would prevent the water in the P-trap from evaporating and allowing sewer gas to enter the building. However, after discussion with County staff on the expected operations of the chemical systems in this area, it was determined wash downs may not occur as frequently as originally thought, and it was recommended to have trap primer installed. Crowder Construction has submitted a request for contract change in the amount of \$3,931.00 to complete this portion of the work. This work will be documented in a future Work Change Directive. ARCADIS recommends approval of this item.

Ref: Change Proposal Request No. 4 dated September 17, 2008

Item 10 – Credit for Deletion of Pipe Fittings

In response to changes in required fittings for yard piping, Crowder Construction has submitted a contract credit in the amount of \$732.00. ARCADIS recommends approval of this item.

Ref: Change Proposal Request No. 8 dated September 19, 2008

CURRITUCK COUNTY
NORTH CAROLINA
October 6, 2008

The Board of Commissioners met at 5:00 p.m. prior to the regular meeting to discuss the following: Cooperative Extension; Solid Waste Contract; Currituck Game Board.

The Board of Commissioners met at 7:00 p.m. for its regularly scheduled meeting at the Historic Courthouse in the Commissioners Meeting Room with the following members present: Chairman Nelms, Commissioners Gregory, Taylor, Bowden and Etheridge.

Invocation and Pledge of Allegiance

The Reverend Dennis Crehan was present for the Invocation.

Chairman Nelms recognized Boy Scout Troop 127 and asked them to lead in the Pledge of Allegiance.

Approval of Agenda

Commissioner Gregory moved to amend the agenda as follows. Commissioner Bowden seconded the motion. Motion carried.

Delete Items 4 and 6, reschedule Item 5 for October 20 meeting; add to consent agenda resolution supporting Commercial Fishermen's Access to Spiny Dogfish Fishery; Notification of change of payroll status for Cooperative Extension.

Item 1 Approval of Agenda

Item 2 Public Comment

Please limit comments to items not appearing on the regular agenda, please limit comments to 3 minutes.

Item 3 **Public Hearing and Action** PB 08-30 Weeping Radish Brewery: Request for a Special Use Permit to operate a temporary indoor recreational facility and an outdoor recreational facility at the Weeping Radish Brewery located in Jarvisburg at 6810 Caratoke Highway, Tax Map 108, Parcel 52C, Poplar Branch Township.

Item 4 **Public Hearing and Action** PB 08-40 Horatio Newbern: Request to rezone 51.99 acres from Agricultural (A) to Conditional District - Heavy Manufacturing (CD-HM). The property is located at 134 Buster Newbern Road, Tax Map 110, Parcel 43, Poplar Branch Township.

Item 5 **Public Hearing and Action** PB 08-39 Horatio Newbern: Request to rezone 18.87 acres from Agricultural (A) to Conditional District - General Business (CD-GB). The property is located at 231 Buster Newbern Road, Tax Map 110, Parcel 43, Poplar Branch Township.

- Item 6 **Public Hearing and Action** PB 08-38 Horatio Newbern: Request to rezone 61.87 acres from Agricultural (A) to Residential (R). The property is located at 168 Buster Newbern Road, Tax Map 122, Parcel 5A, Poplar Branch Township.
- Item 7 **Public Hearing and Action** PB 84-11 Corolla Light PUD, Phases 10-14: Amended Sketch Plan/ Special Use Permit to add 100 residential dwellings and rezone 4 parcels to General Business (GB) for Commercial/ Mixed Use. The properties are located in Corolla north of Monterey Shores and adjacent to NC12 and the Whalehead Subdivision, Tax Map 11B, Parcels P2AV, P2AU, 0P5I, P5HC and P5HD, Poplar Branch Township.
- Item 8 **Discussion on Lower Currituck Fire Department**
- Item 9 **Consent Agenda:**
1. Charge to Tax Collector the Levy on Motor Vehicles for July
 2. Declaration of Covenants, Conditions and Restrictions for Ferebee Lane Property
 3. Budget Amendments
 4. Register of Deeds Fee Schedule Change
 5. Second reading of Ordinance Amending Article III, Section 10-134 of the Currituck County Code of Ordinances
 6. Approval of Building Inspection Records Disposition
 7. Approval of September 2, 2008, Minutes
 8. Approval of September 15, 2008, Minutes
- Item 10 Commissioner's Report
- Item 11 County Manager's Report
- Adjourn

Public Comment

Please limit comments to items not appearing on the regular agenda, please limit comments to 3 minutes.

Chairman Nelms opened the public comment period.

Chairman Nelms commented on the complaints and problems with Mediacom. They are upgrading the system but advised to please call Mediacom if no service.

There being no further comments, Chairman Nelms closed the public comment period.

Public Hearing and Action PB 08-30 Weeping Radish Brewery: Request for a Special Use Permit to operate a temporary indoor recreational facility and an outdoor recreational facility at the Weeping Radish Brewery located in

Jarvisburg at 6810 Caratoke Highway, Tax Map 108, Parcel 52C, Poplar Branch Township.

Sworn testimony was given prior to making statements.

Ben Woody, Planning Director, reviewed the request.

LAND USE/ZONING OF SURROUNDING PROPERTY:

	Land Use	Zoning
NORTH:	Farmland	Zoned LM
SOUTH:	Farmland	Zoned LM
EAST:	Convenience Center/Farmland/Woodland	Zoned GB
WEST:	Farmland	Zoned LM

NARRATIVE:

1. The Weeping Radish is requesting a special use permit for the following uses:
 - a. Privately owned outdoor recreational facility. The proposed use will include an outdoor ice slide.
 - b. Temporary indoor recreational facility. The proposed use will include a temporary tent for recreation uses.
2. The property contains 7.5 acres zoned Light Manufacturing.
3. Currituck Eco Brewery submitted a text amendment to allow temporary indoor recreational facilities as a special use permit. The Board of Commissioners approved the text amendment at their September 15 meeting.
4. The Board of Commissioners issued a special use permit for the Weeping Radish Brewery to operate special events on April 2, 2007. A three year extension was granted by the Board of Commissioners on March 17, 2008.

SPECIAL USE PERMIT CRITERIA:

Special use permits are intended to allow the Board of Commissioners flexibility in the administration of the UDO. In order to approve a special use permit, certain criteria must be satisfied. The criteria are outlined as follows:

1. **COMPLETENESS OF THE APPLICATION**
Suggested Findings:
 - a. Based on staff review all required information has been submitted.
2. **COMPLIANCE WITH ORDINANCE REQUIREMENTS**
Suggested Findings:
 - a. The proposed development generally complies with the provisions of the UDO.
3. The applicant's proposal will be required to maintain compliance with all UDO requirements and any additional requirements of the Board of Commissioners.
 - a. *The proposed use **will not** materially endanger the public health or safety for the following reasons:*

Suggested Findings:

Public health and safety issues including stormwater management, wastewater disposal and access for emergency services have generally been addressed for this development.

- b. *The proposed use **will not** substantially injure the value of adjoining or abutting property for the following reasons:*

Suggested Findings:

The proposed development should have no negative impact on adjoining property. The adjoining uses include farmland and a county convenience center. The proposed development is consistent with the objectives of the Currituck County Unified Development Ordinance and promotes compatibility between the subject property and surrounding area.

- c. *The proposed use **will** be in harmony with the particular neighborhood or area in which it is to be located.*

Suggested Findings:

The proposed recreational uses should be compatible with the neighborhood, and have no negative impact on the adjoining property.

- 4. *Will be in conformity with the Land Use Plan, Thoroughfare Plan or other plans officially adopted by the Board.*

Suggested Findings:

The 2006 Land Use Plan classifies the site as **Full Service** within the **Jarvisburg** sub-area.

The purpose of the Full Service classification is to ensure that commercial development protects and preserves the existing community in scale, architectural style, materials, landscaping and site design. Commercial uses may include clusters of businesses serving the immediate area and, where appropriate, a more extensive market territory.

The following Land Use Plan policies are also relevant to this request:

POLICY PR7: New park and recreation facilities, as well as improvements to existing facilities, shall give special consideration to the needs of HANDICAPPED PERSONS.

POLICY ED4: In addition to the recruitment and expansion of major new industries, the considerable value of SMALL BUSINESS START-UPS, EXPANSIONS AND SPIN-OFFS shall also be recognized.

The proposed development is consistent with the objectives of the Currituck County Unified Development Ordinance, 2006 Land Use Plan, and promotes compatibility between the subject property and surrounding area.

- 5. *Will not exceed the county's ability to provide adequate public facilities, including, but not limited to, schools, fire and rescue, law enforcement, and other county facilities. Applicable state standards and guidelines shall be followed for determining when public facilities are adequate. Such facilities must be in place or programmed to be in place within two years after the initial approval of the sketch plan. In the case of subdivision and multifamily development at the sketch plan/special use, preliminary plat or final plat stage, the Board of Commissioners may establish time limits on the number of lots/units available for development to assure adequate public facilities are available in accordance with the UDO.*

Suggested Findings:

Approval of this request should have no negative impact on public facilities.

TECHNICAL REVIEW COMMENTS:

Fire Marshal Comments (James Mims 252-232-6641):

- 1. The applicant must establish if the structure will be temporary or a permanent membrane structure as defined by the building code.

2. The applicant must submit a copy of the manufacture's specifications.
3. The applicant must submit a statement identifying the use of the structure, using the definitions from the building code.
4. Any permanent structure, as defined by the building code, will require a fire hydrant to be located within 400 feet of all portions of all structures on the property.

Building Inspector Comments (Spence Castello 252-232-6020):

Approved with the following conditions and comments:

1. Must have approved lighting in the membrane structure.
2. Handicap accessibility required.

Soil Conservation Comments (Mike Doxey 252-232-3360):

Approved as is.

County Engineer Comments (Eric Weatherly 252-232-6035

Approved as is.

Public Works, Utilities, Comments (Pat Irwin 252-232-2769):

Approved with the following conditions and comments:

1. The water department will move the water service with a cost of materials and labor to the Weeping Radish out of the animal pen or the Weeping Radish can move the fence from around the meter.
2. Chapter 13, Section 13-4 Consumer's Responsibility rules require:
 - a. Where a meter is placed on the premises of a consumer, a suitable place shall be provided by the consumer for placing the meter, unobstructed and accessible at all times to the meter reader.

Albemarle Regional Health Services (David Sweeney):

No comment received regarding the relocation of the septic repair area.

NCDOT Comments (Roger Ward) 252-331-4737:

No comment.

County Manager, Dan Scanlon

No comments received.

STAFF RECOMMENDATION

The proposal appears to meet the criteria for granting a Special Use Permit and staff recommends **APPROVAL** with the following conditions:

1. A site plan and landscape plan must be submitted that meets the requirements of the UDO and the Technical Review Staff (TRC) prior to issuance of a zoning permit, building permit, and commencement of any recreation use authorized by this special use permit.
2. The proposed outdoor recreation area, ice slide, must be identified on the site plan. All equipment, including slides, shall be located a minimum 20 feet from any street right-of-way and maintain all accessory structure setbacks.
3. The applicant shall continue to meet all conditions of the Weeping Radish Brewery special use permit for outdoor events.
4. The special use permit for private outdoor recreation and shall remain valid for five years.

PLANNING BOARD DISCUSSION

Mr. Midgett asked if this request should be tabled until the text amendment goes through the Board of Commissioners (BOC) meeting on 9/15/08.

Mr. Woody asked that the board make a recommendation contingent upon the approval of the text amendment. If the BOC denies the text amendment this request would not need to go forward.

Mr. Cubin stated they are trying to move the project forward and to get open by Thanksgiving.

Mr. Kovacs asked Mr. Cubin to provide more information on the outside recreation slide.

Mr. Cubin showed the location of the slide and provided specs on the slide.

ACTION

Mr. Kovacs motioned to recommend approval with staff recommendations and contingent that the text amendment is approved at the Board of Commissioners meeting on September 15, 2008 for a Special Use Permit to operate a temporary indoor recreational facility and an outdoor recreational facility. Ms. Turner seconded the motion. Motion carried unanimously.

Chairman Nelms opened the public hearing. There being no comments, he closed the public hearing.

Commissioner Gregory moved to approve. Commissioner Taylor seconded the motion. Motion carried.

**Public Hearing and Action PB 08-40 Horatio Newbern:
Request to rezone 51.99 acres from Agricultural (A) to
Conditional District - Heavy Manufacturing (CD-HM). The
property is located at 134 Buster Newbern Road, Tax Map
110, Parcel 43, Poplar Branch Township.**

Deleted

**Public Hearing and Action PB 08-39 Horatio Newbern:
Request to rezone 18.87 acres from Agricultural (A) to
Conditional District - General Business (CD-GB). The
property is located at 231 Buster Newbern Road, Tax Map
110, Parcel 43, Poplar Branch Township.**

Moved to October 20 meeting.

**Public Hearing and Action PB 08-38 Horatio Newbern:
Request to rezone 61.87 acres from Agricultural (A) to
Residential (R). The property is located at 168 Buster
Newbern Road, Tax Map 122, Parcel 5A, Poplar Branch
Township.**

Deleted

**Public Hearing and Action PB 84-11 Corolla Light PUD,
Phases 10-14: Amended Sketch Plan/ Special Use Permit to
add 100 residential dwellings and rezone 4 parcels to
General Business (GB) for Commercial/ Mixed Use. The
properties are located in Corolla north of Monterey Shores
and adjacent to NC12 and the Whalehead Subdivision, Tax Map
11B, Parcels P2AV, P2AU, 0P5I, P5HC and P5HD, Poplar Branch
Township.**

Sworn testimony was given prior to making statements.

Ben Woody, Planning Director, reviewed the request.

LOCATION: The properties are located in Corolla north of Monterey Shores and adjacent to the Atlantic Ocean, Currituck Sound and Whalehead Subdivision, Tax Map 11B, Parcels P2AV, P2AU, 0P5I, P5HC and P5HD, Poplar Branch Township.

Parcel ID Numbers:
 115B000P2AVOPEN
 115B000P2AU0000
 115B0000P5I0000
 115B000P5HC0000
 115B000P5HD0000

ZONING DISTRICT: RO1/ PUD/ GB

OWNER: Outer Banks Ventures, LLC
 Attn: Rick Willis
 215 Brooks Ave., Unit 1001
 Norfolk, VA 23510
 757-286-5859

ENGINEER: Coastal Engineering
 Carlos Gomez, P.E.
 PO Box 1129
 Kitty Hawk, NC 27949
 252-261-415

Narrative:

- Outer Banks Ventures, LLC (Richard Brindley and Rick Willis) is requesting sketch plan approval to convert four existing utility sites to commercial areas with retail shops, offices, restaurants and add 100 attached residential dwellings for a total of 563 dwellings in the subdivision. The design and mix of uses for each parcel has not been determined at this time.
- UDO Section 4.3.4 PUD Overlay Special Requirements states: A special use permit may be approved showing the portion of the tract proposed for commercial uses reserved for future development. No construction on any land may take place within such areas until the special use permit is amended to approve specific plans for such areas.
- Each mixed use area will require an additional site specific plan approval from the Board of Commissioners as each is designed.
- The utility sites are currently two wastewater treatment plants and the Corolla Light water treatment plant.
- The proposal is to make the golf course site a commercial area and relocate two existing wastewater treatment plants to one site adjacent to NC12 and Shad Street.
- The Sketch Plan amendment approved by the Board of Commissioners on October 21, 2002 indicated 13.03 acres (4.88%) of commercial areas in Corolla Light after the 4.52 acres of the Beacon Hill section were changed to a residential area.
- This proposal seeks to increase the commercial areas by 13.5 acres, resulting in a total of 26.53 acres of commercial or 9.93%.
- The maximum allowed commercial area in a PUD is 10%.

Total area of Corolla Light = 267.05 acres

<u>Residential Density for Corolla Light</u>		<u>Units</u>
Existing Single Family units	=	316
Existing Multi-Family Units	=	110
Existing Apartments	=	26
Previously Approved -Proposed Apartments (Phase 3-Town Center)	=	11

Proposed Future Multi-Family (Phases 10, 13 and 14)	=	100
Total Residential Units		<u>563</u> or 2.34 units per acres

<u>Previously approved Commercial Density</u>		<u>Acres</u>
Phase 2A (Exist. Parking Lot Easement and Maint Bldg)	=	1.03
Phase 3 (Exist. Corolla Light Town Center)	=	6.83
Phase 4 (Exist. Corolla Inn)	=	1.66
Phase 4A (Exist. Retail- Outdoor Recreation)	=	0.39
Phase 4B (Exist. Restaurant, Retail, Apartments)	=	0.63
Phase 5G (Exist. Area of Pro-Shop & Parking)	=	0.16
Phase 5J (Exist. Professional/ Office Use)	=	0.70
Phase 5 H (West of Ocean Trail- Golf Course)	=	1.55
Phase 5 H (Maint. Building)	=	<u>0.08</u>
Total	=	13.03

Proposed Commercial Allocations:

Phase 3 (Retail- Mixed Use)	=	6.35
Phase 4 (Exist. Corolla Light Inn, Retail and Office)	=	2.16
Phase 5J (Exist. Professional/ Office Use)	=	0.70
Phase 10 (Proposed Commercial)	=	6.88
Phase 11 (Proposed Commercial Use Only)	=	0.87
Phase 13 (Proposed Commercial)	=	4.86
Phase 14 (Proposed Commercial)	=	5.87
Total Proposed Commercial	=	26.53 9.93 % of 267.05 AC

LAND USE/ZONING OF SURROUNDING PROPERTY:

NORTH:	Residential/ Heritage Park	Zoned: RO1 and RO1/ PUD
SOUTH:	Vacant- Future Corolla Bay Commercial and Food Lion	Zoned: GB/ PUD
EAST:	Whalehead Subdivision	Zoned: RO1
WEST:	Wetlands Open Space, Currituck Sound	Zoned: RO1

ELEMENTS OF THIS PLAN:

- STREETS:** All lots will front on existing roads built to NCDOT standards.
- WATER:** Water will be provided by the County's Southern Outer Banks Water System (SOBW). A capacity of 75,000 GPD was granted on August 29, 2008 from the SOBWS to serve the new development.
- FIRE:** The development will be served by the Corolla Volunteer Fire Department and fire hydrants will be installed in accordance with Volume 5 of the NC Building Code.
- WASTEWATER:** Corolla Light is proposing to close the two existing wastewater treatment plants and build a new plant with a capacity of 500,000 GPD.
- OPEN SPACE:** The total open space is 131.83 acres or 49.37 %, which exceeds the minimum required open space or 35%. No changes to open space are proposed.

DRAINAGE: Drainage improvements will be required to meet state and local requirements when the buildings are designed.

FLOOD ZONES: The subject properties are in a Shaded X zone, outside of the 100 year flood plain.

SPECIAL USE PERMIT CRITERIA:

Through the special use permit procedure, property uses which would otherwise be considered undesirable in certain districts can be developed subject to conditions of approval to minimize any negative effects they might have on surrounding properties. In order to approve a special use permit, certain criteria must be satisfied. The criteria are outlined as follows (Section 11.7(F)(12)):

- a. *The application is complete.*
Based on staff review all required information has been submitted for review.
- b. *The proposed use is among those listed in the Table of Permissible Uses as a special use indicated with an "S".*
A Planned Unit Development is a permitted use in the RO1 overlay zoning district.
- c. *The conditions proposed meet or exceed the minimum requirements of this ordinance and are agreed to by the applicant.*
The ordinance can be met if the required changes are made to the plan.
- d. *The special use will not endanger the public health or safety.*
Public health and safety will be addressed through the Preliminary Plat permitting process as required by the UDO and NC laws.
- e. *The special use will not injure the value of adjoining or abutting property and will be in harmony with the area in which it is located.*
The proposed mixed use development will be compatible with adjacent residential and commercial uses.
- f. *The special use will be in conformity with the Land Use Plan, Thoroughfare Plan, or other officially adopted plan.*
The 2006 Land Use Plan classifies this area as Full Service within the Corolla Sub Area.

The policy emphasis of the Land Use Plan for the Corolla Subarea is to allow for predominantly medium density residential development (2 to 3 units per acre) with minimal commercial development arranged in clusters. An overall density of no more than 3 units per acre should also apply to PUDs, the prevailing development form in the Corolla area. PUDs should also have a mandated 30% permanent open space requirement. Strip commercial development is to be avoided for both aesthetic as well as traffic moving considerations. Development and redevelopment should be capable of being supported by the area's infrastructure and services—particularly drinking water, sewage treatment, road capacity, parking areas, and required fire suppression capabilities.

The proposed density of this development is 2.37 units per acre. Because the sketch plan density is lower than the recommended density and complies with the Corolla sub-area statements, this application **complies** with the 2006 Land Use Plan.

- g. *The special use will not exceed the county's ability to provide adequate public facilities, including, but not limited to, schools, fire and rescue, law enforcement, and other county facilities. Applicable state standards and*

guidelines shall be followed for determining when public facilities are adequate. Such facilities must be in place or programmed to be in place within two years after the initial approval of the plan (sketch plan in the case of major subdivisions).

This development will not exceed the county's ability to provide services. School seats allocation for the Outer Banks area was not calculated due to the low year round occupancy rate of the area.

TECHNICAL REVIEW STAFF:

On August 20, 2008 Technical Review staff reviewed this application with the following comments:

1. **Currituck County Public Works** – Disapproved, resubmit with the following: Provide method to supply potable water in the analysis. (Currituck County has allocated 75,000 GPD from the SOBWS)
2. **Currituck Soil & Water Conservation** - Approved as is.
3. **Currituck County Fire Services**–Approved as is.
4. **Currituck County Southern Outer Banks Water System**- Approved with the following conditions and comments:

At build out of the new commercial/residential area there is an estimated need for 0.24MGD. The SOBWS Water Plant can produce 2 MG and the highest system usage is 1.936 MG. When the new section is built out there will be a potential system demand of 2.176 MG and this is 0.176 MG over the ability of SOBWS Plant to produce water. Currently there is an understanding with the County that SOBWS provides water to Corolla Light and a negotiation for the purchase of that system by the County. If these negotiations end without a resolution and the County no longer sells water to Corolla Light where is the additional water coming from?
(Currituck County allocated 75,000 GPD from the SOBWS on August 29, 2008)
5. **Currituck County Inspections Department**-Approved as is.
6. **Currituck County GIS** – No Comment
7. **County Parks & Recreation Department** - No comments received.
8. **Currituck County Emergency Management** – No comments received.
9. **NC Department of Transportation**: Disapproved, resubmit with the following information:
Additional information will be needed for each site, would prefer access to be from secondary roads and internally. Traffic Engineer will review traffic analysis section of impact statement.
10. **NC Division of Coastal Management** (Charlan Owens)- Indicate the discharge location for the new WWTP proposed on the Phase 12 site. Please email me the applicant's response.
11. **US Army Corps of Engineers** (Tom Steffens)- Approved with the following conditions:
May require USACE Section 404 verification of jurisdictional wetlands onsite before construction begins.

STAFF RECOMMENDATION: Staff recommends conditional approval subject to the following conditions:

Code Requirements:

1. The applicant will provide a narrative prior to any preliminary plat submissions or approvals that explains the steps that will be taken to reconcile the commercial area allocation of the plan with previous approvals, including:
 - A. Recording a recombination plat that moves the property line between the Corolla Light Town Center (Phase 3) and the stormwater pond to remove the pond from the commercial allocation; as shown on the sketch plan. This will require the permission of the owner of the Corolla Light Town Center/
 - B. Recording a recombination plat that moves the property lines between the existing phases 5G (Health Club), 5H (Golf Course and Utility Area), and the residential lots 573-577 that are owned by the Corolla Light Community Association. The recombination shall reflect the lines shown on the sketch plan.
 - C. The applicant shall record a survey of open space and the as-built building locations for Phase 4 that removes any wetland areas from commercial allocations. All structures, piers, docks or parking areas used for any area used for commercial purposes shall be included in survey to determine the open space calculations. Prior to any further Preliminary Plat approvals, the applicant shall demonstrate Phase 4 contains 2.16 acres of commercial area.
2. No land disturbance activities including clearing or grading shall take place prior to the Planning Department issuing the authorization to construct after Preliminary Plat/ Site Plan approval is granted.
3. NCDOT will determine access for each site after the NCDOT Traffic Branch reviews the proposal. Access should be from secondary roads and internally.
4. At the Preliminary Plat stage, all permits for construction of infrastructure including water, wastewater, stormwater controls shall be submitted.
5. The proposed wastewater plant shall receive an authorization to construct from NC DWQ prior to submittal of any Preliminary Plat/ Site Plans for review.

Staff Recommend Conditions:

- (1) The applicant shall submit a design palette for all structure types to be built. Compliance with the approved designs must be demonstrated at building permit application by submission of a certification that the Corolla Light Architectural Review Committee has approved the design.
 - (a) The design palettes shall be submitted for Planning staff review and approval prior to submission of Preliminary Plat.
 - (b) With respect to the proposed single-family detached dwellings, staff suggests the following criteria:
 - (i) Variation in exterior architectural materials (siding, roofing);
 - (ii) Vertical and horizontal relief in buildings (roof lines, eaves, bump outs);
 - (iii) Variation in house styles/types; and
 - (iv) Inclusion of front porches, projecting bays, vestibules.
- (2) Commercial Architecture
With respect to the nonresidential structures, staff suggests the following elements be considered:
 - (i) Facades of new buildings shall incorporate, but not mimic, the sense of lightness or weight exhibited in the architecture of existing buildings on neighboring properties or the vernacular of the general area and shall

- incorporate similar proportions of solids (i.e. siding, blank walls, etc.) to voids (i.e. windows, door openings, etc.);
- (ii) The principal building façade of proposed buildings shall be oriented toward the primary street frontage and in the same direction as the majority of existing buildings on the frontage street. Proposed buildings on corner or dual frontage properties shall reflect a public façade on both streets.
 - (iii) Facades shall be designed to reduce the massive scale and the one dimensional appearance of large retail buildings and to provide visual interest.
 - (iv) The street facing elevations shall incorporate functioning windows into the overall design concept. Functioning windows are defined as those windows which let light into the interior of the structure and are integrated and related to the interior layout of the space.
 - (v) In addition to functioning windows, the corridor elevations shall contain at least two of the following elements:
 1. A primary entrance door or doors (except for loading doors).
 2. A primary entrance feature, such as a porch, portico, awning, entrance walk, or other similar feature.
 3. Landscaping integrated into the building design concept.
 4. Architectural or urban design elements, which link adjacent structures together, such as plazas, walkways, colonnades, or similar features.
 5. Architectural relief, such as vertical and horizontal off-sets in exterior wall elevations, band courses, lintels and sill courses, cornices and the like to create shadow lines.
 - (vi) Large expanses of blank walls shall be avoided. The public facade shall incorporate windows and primary doorway entrances along the street frontage as well as projecting elements such as eaves, cornices, canopies, projecting bays, shadow lines, and overhangs.
 - (vii) The plan shall incorporate durable exterior surface materials complementary with the color, texture, size, and scale of exterior materials reflected on a historical Currituck County vernacular that shall be developed as part of a pattern book.
 - (viii) The general roof shape, ridge and eave heights, and material characteristics proposed shall be visually compatible with these same attributes expressed in existing buildings in the immediate vicinity or in keeping with the historical vernacular of the Currituck County Outer Banks.
 - (ix) Building materials include brick, wood, fiber-cement siding, stone textured split face block, tinted and textured concrete masonry, or synthetic stucco. Metal building materials shall only be permitted on elevations not visible from the public right-of-way or used as accent materials.
 - (x) A landscape plan shall be submitted in conjunction with the preliminary plan showing the location, spacing, caliper dimension, and species of proposed landscaping materials.

(3) Commercial Parking.

- (i) No parking lot shall be designed to be within the front building setback and shall instead be located behind the front building line. This allows front parking, but increases the space from the street property line.
- (ii) Parking lots shall be arranged in such a manner so that not more than twenty (20) parking spaces in a row shall be permitted without a landscaped island. Parking lot landscape islands shall be a minimum of ten (10) feet wide.
- (iii) Five (5) percent of the interior area of a parking lot shall be reserved for landscape purposes. This provision shall include the landscaping of all

required parking islands and medians. Shade trees shall be incorporated within the landscaped islands whenever and wherever practicable.

- (iv) Install interior landscaped islands in the parking lot. The number of islands shall be determined at the site plan review stage.

(4) Commercial Area Landscaping

- (i) Staff recommends a landscape plan be submitted in conjunction with the preliminary plat showing the location, spacing, caliper dimension, and species of proposed landscaping materials.
- (ii) Identify all existing trees in the potential buffer areas and design the site to preserve this existing buffer to the maximum extent possible.
- (iii) If additional trees are needed, they should have a minimum caliper of 2 inches, shall be 8-10 feet in height at installation. Shrubs shall be evergreen and 3 feet in height when installed and are expected to reach a minimum height of 6 feet at maturity.
- (iv) Parking lot screening is required adjacent to public rights-of-way - Low profile screening shall be installed when parking spaces would result in vehicles facing onto the roadway in addition to the requirements of Chapter 5 Bufferyard and Shading Requirements. Screening may consist of a low wall, evergreen hedge with minimum height of two (2) feet at time of planting planted three (3) feet apart on center and a maximum height of three (3) feet at maturity, or earth berm. Should a low wall be used, such wall shall be accompanied by evergreen shrub plantings on the roadway side of the wall and spaced ten (10) feet apart on center.

(5) Outdoor Display Areas.

- (i) All outdoor display areas, including garden centers and any seasonal sales, shall be enclosed on all sides with high-quality fencing such as fencing resembling wrought iron, (chain link fencing is prohibited).
- (ii) All outdoor display areas shall be designated on the site plan and must not extend into parking areas.
- (iii) Mechanical or HVAC equipment shall not be installed at ground level along any portion of a building facing a state maintained street or road or internal street or way unless such location is necessitated by the nature and design of the building it serves. Roof top installation may be allowed provided that such equipment is concealed behind a parapet wall.
- (iv) A solid fence or wall and native plants shall screen any ground level equipment. Block or brick enclosures, if used, may include decorative openings within the block or brick pattern.

PLANNING BOARD DISCUSSION

Mr. Midgette stated that the case is asking for an Amended Sketch Plan/Special Use Permit to add 100 residential dwellings and rezone 4 parcels to General Business (GB) for Commercial/Mix Use. Mr. Midgette asked why these were not introduced as two separate items on the agenda.

Mr. Webb stated because the applicant is proposing a mixed use development. They will have residential and commercial on the same parcel which will be condos that may have a business on the first floor and residential on the second floor.

Mr. West asked what phases have already begun.

Mr. Webb stated Phases 1-9.

Mr. West stated that the applicant is requesting to take two wastewater treatment plants that consist of 6.75 acres and put it on one location that consists of 3 acres.

Mr. Webb stated this is what they are proposing.

Mr. Gomez stated that the old system will be replaced with a state of the art system and technology on these systems has greatly improved. They will be required to get a state permit.

Mr. West asked what is the size of the old system.

Mr. Gomez stated 260,000 gallons and they are proposing a new system up to 500,000 gallons.

Ms. Robbins asked if any thought had been given to replace or upgrade the existing wastewater treatment plant at the north end of the development and leave it at its existing site instead of relocating it. Ms. Robbins has concerns for the residents in Whalehead and in Corolla Light along Morris Drive that will become neighbors of this new wastewater treatment plant.

Ms. Turner stated that it will impact a lot people who brought residential property with no intention of being next to a wastewater plant.

Ms. Turner asked if the proposed new system could be built on the existing site so it would not need to move.

Mr. Gomez stated it could be done, but it is not in the plan. Presently there is a wastewater treatment plant in Phase 10 and Phase 13 and the new treatment plant is being proposed for Phase 12.

The board expressed their concerns with relocating the wastewater treatment plant from Phase 10 and moving it to Phase 12 which is a smaller lot. The board discussed the impact it would have on residents who brought residential property with no intention of being next to a wastewater treatment plant.

Mr. Burgin provided an overview of the new wastewater treatment system. The new site was chosen for the geological features.

Ms. Robbins asked what are some of the factors that influenced one site from another.

Mr. Burgin stated type of ground, soil type, clay and silk contents, hydraulic of the area, but mostly soil type. Mr. Burgin stated that Phase 12 is the best site for a wastewater treatment system.

Mr. Gomez stated that the homeowners of Corolla Light have been made aware of the proposed plan.

Mr. Herb Robbins stated he is on the Board of Directors at Whalehead Property Owners Associations and they have some real concerns with what is being proposed. Mr. Robbins stated that an area along Corolla Drive is part of a wastewater tax district and the residents at Whalehead are paying 4 cents per 100 to have a storm water system put in. Mr. Robbins stated they have a major concern with storm water run off in the area. Mr. Robbins stated that the developers are moving the wastewater plant from Phase 10 to Phase 12 because they are running out of space in Corolla Light and they want to build more housing units. Mr. Robbins stated that when the bridge is built from the mainland to Corolla, you will need public access to the beach and a bathhouse for the public. Mr. Robbins stated he would like to see the wastewater treatment plant to remain in Phase 10 and not in Phase 12.

Rick Willis, Outer Banks Venture stated that one of the reasons this development has been successful is that they have stood by the development and participated with the community and association. Mr. Willis stated circumstances are different today than what they were in 1984 in Currituck County. Mr. Willis stated that Phase 10 was chosen for the wastewater site in 1984 because of the height of the property. Mr. Willis stated that the plant is not in the best location now because it is next to Heritage Park and the Lighthouse. It would be a mistake from a land planning standpoint to put the wastewater plant on this site, Phase 10. Mr. Willis stated that one wastewater plant is 21 years old and the other is 24 years old. The developer at their own cost

will replace these plants. This is a reasonable request and would like the board to consider this request.

Mr. West stated in the Technical Review comments that Public Works disapproved the request stating they need to resubmit a plan to provide a method to supply potable water in the analysis. (Currituck County has allocated 75,000 GPD from the SOBWS). A recommendation from the Department of Transportation (DOT) for disapproval and NC Division of Coastal Management had some concerns. Mr. West still has a question on how this treatment plant can be put on three acres. Mr. West stated there are still some unanswered questions.

Mr. Webb stated that the water question has been answered and they have not heard anything back from DOT.

Mr. Gomez stated this is the Amended Sketch Plan/Special Use Permit and once it goes to the Preliminary Plat stage, DOT will be deeply involved with it.

Mr. Midgette asked Mr. Woody if the board could request that the applicant have a public meeting to address some of these concerns.

Mr. Woody stated that there is no requirement to have a public meeting for a Sketch Plan/SUP and the applicant has submitted a request that meets the UDO requirements. Mr. Woody stated that you could ask them if they would be willing to have one, but would ask the board to go ahead and make a recommendation.

PLANNING BOARD ACTION

Ms. Turner motioned to recommend denial because the special use permit criteria will not injure the value of adjoining or abutting property and will be in harmony with the area in which it is located. Ms. Robbins seconded the motion. Motion carried unanimously.

Chairman Nelms opened the public hearing.

Herb Robbins, Whalehead Property Owners Association, opposes Phase 12 wastewater treatment location.

Doug Brindley, supports request.

There being no further comments, Chairman Nelms closed the public hearing.

Commissioner Bowden moved to approve with alternate parking and staff recommendations. Commissioner Gregory seconded the motion. Motion carried.

Discussion on Lower Currituck Fire Department

Maureen O'Shea, reviewed the repairs needed to bring the building up to code. The cost is approximately \$325,000.

Commissioner Gregory directed staff to move forward with funding the repairs. Commissioner Bowden seconded the motion. Motion carried.

Consent Agenda:

1. Charge to Tax Collector the Levy on Motor Vehicles for July

2. Declaration of Covenants, Conditions and Restrictions for Ferebee Lane Property
3. Budget Amendments
4. Register of Deeds Fee Schedule Change
5. Second reading of Ordinance Amending Article III, Section 10-134 of the Currituck County Code of Ordinances
6. Approval of Building Inspection Records Disposition
7. Approval of September 2, 2008, Minutes
8. Approval of September 15, 2008, Minutes
9. Resolution Commercial Fisheries
10. Letter for Cooperative Extension Employees.

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
61818-545000	Contracted Services	\$ 3,934	
61818-561000	Professional Services	\$ 326,999	
61818-590000	Capital Outlay	\$ 29,155	
61390-499900	Appropriated Retained Earnings		\$ 360,088
		<u>\$ 360,088</u>	<u>\$ 360,088</u>

Explanation: Mainland Water (61818) - To carryforward purchase orders from prior fiscal year as follows:

Purchase Order	Description	Amount
20080374	Currituck Tank Antenna	3,934
20080001	ECU Eco Assessment	129,093
20080003	ECU Eco Assessment	188,788
20080928	Waterline Engineering	9,118
20081205	Pump Control Valves	29,155
	Total	<u>360,088</u>

Net Budget Effect:

Mainland Water (61) - Increased by \$360,088.

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
66868-561000	Professional Services	\$ 3,201	

66868-590000	Capital Outlay	\$	25,242	
66390-499900	Appropriated retained earnings			\$ 28,443
			<u>\$ 28,443</u>	<u>\$ 28,443</u>

Explanation: Southern Outer Banks Water (66868) - To carryforward purchase orders from prior fiscal year as follows:

Purchase Order	Description	Amount
20080466	Engineering	3,201
20080955	SOBWS High Serv Pump	25,242
	Total	<u>28,443</u>

Net Budget Effect: Southern Outer Banks Water System (66) - Increased by \$28,443.

<u>Account Number</u>	<u>Account Description</u>	Debit Decrease Revenue or Increase Expense	Credit Increase Revenue or Decrease Expense
10793-514500	Training & Education	\$ 500	
10793-514000	Travel		\$ 500
		<u>\$ 500</u>	<u>\$ 500</u>

Explanation: Smart Start - Eat Smart, Move More (10793) - To transfer funds to match grant agreement.

Net Budget Effect: Operating Fund (10) - no change.

<u>Account Number</u>	<u>Account Description</u>	Debit Decrease Revenue or Increase Expense	Credit Increase Revenue or Decrease Expense
55818-591001	600 GPM Deep Wells	\$ 135,827	
55818-588001	Wells - Contingency	\$ 24,173	

55818-591003	Wells - Electrical/SCADA	\$	160,000
		\$	160,000

Explanation: Mainland Water Construction (55818) - To transfer funds within the mainland water construction project for the Magette Well Drilling contract, which included the electrical in the base Deep well bid.

Net Budget Effect: Mainland Water Construction Fund (55) - no change.

<u>Account Number</u>	<u>Account Description</u>	Debit Decrease Revenue or Increase Expense	Credit Increase Revenue or Decrease Expense
10795-545000	Contract Services	\$ 11,925	
10350-468000	Sale of Fixed Assets		\$ 11,925
		\$ 11,925	\$ 11,925

Explanation: Recreation (10795) - To increase appropriations for cleaning contract for the Carova Beach Park.

Net Budget Effect: Operating Fund (10) - Increased by \$11,925.

<u>Account Number</u>	<u>Account Description</u>	Debit Decrease Revenue or Increase Expense	Credit Increase Revenue or Decrease Expense
10650-514500	Training & Education	\$ 3,500	
10650-592000	Economic Development Projects		\$ 3,500
		\$ 3,500	\$ 3,500

Explanation: Economic Development (10650) - Transfer funds within the Economic Development budget for training and education for the department.

Net Budget Effect: Operating Fund (10) - No change.

<u>Account Number</u>	<u>Account Description</u>	Debit Decrease Revenue or Increase Expense	Credit Increase Revenue or Decrease Expense
10775-521100	Equipment Lease	\$ 579	
10775-561300	Instructor Fees		\$ 579

\$	579	\$	579
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Explanation: Senior Citizens Center (10775) - To transfer funds within the Senior Citizens Center budget to cover the copier lease for this fiscal year.

Net Budget Effect: Operating Fund (10) - No change.

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
10430-516000	Repairs & Maintenance	\$ 1,100	
10330-420000	Beer & Wine Taxes		\$ 1,100
		\$ 1,100	\$ 1,100

Explanation: Elections (10430) - To increase funding for building repair due to lightning strike.

Net Budget Effect: Operating Fund (10) - Increased by \$1,100.

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
10450-516000	Maintenance & Repair	\$ 1,350	
10450-526000	Advertising		\$ 1,350
		\$ 1,350	\$ 1,350

Explanation: Tax (10450) - Transfer budgeted fund within department for unanticipated vehicle repairs.

Net Budget Effect: Operating Fund (10) - No change.

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
10960-511000	Postage	\$ 5,000	

10960-531000	Gas, Oil, Etc	\$	100,000		
10380-481000	Investment Earnings			\$	105,000
			<u>\$</u>	<u>105,000</u>	<u>\$</u> <u>105,000</u>

Explanation: Central Services (10960) - To increase central service line items due to increases in monthly costs of postage and fuel.

Net Budget Effect: Operating Fund (10) - Increased by \$105,000.

<u>Account Number</u>	<u>Account Description</u>	Debit		Credit	
		Decrease Revenue or Increase Expense		Increase Revenue or Decrease Expense	
12544-590004	Capital Outlay	\$	4,530		
12544-545000	Contract Services			\$	4,530
			<u>\$</u>	<u>\$</u>	<u>4,530</u>

Explanation: Crawford Fire Department (12544) - To transfer operating funds to capital outlay for overage in equipment purchased from equipment replacement funds.

Net Budget Effect: Fire Services Fund (12) - No change.

<u>Account Number</u>	<u>Account Description</u>	Debit		Credit	
		Decrease Revenue or Increase Expense		Increase Revenue or Decrease Expense	
24690-545000	Contract Services	\$	9,968		
24390-499900	Appropriated Fund Balance			\$	9,968
			<u>\$</u>	<u>\$</u>	<u>9,968</u>

Explanation: Crawford Fire District Tax (24690) - To appropriate residual fire district tax funds funds for retro fitting and testing of self contained breathing apparatus in the amount of \$5,220.37 and to repair ladder and hydraulic lines in the amount of \$4,747.50

Net Budget Effect: Crawford Fire District Tax (24) - Increased by \$9,968.

Debit **Credit**

<u>Account Number</u>	<u>Account Description</u>	Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
10794-545000	PASS	\$ 1,075	
10795-545005	JCPC Council Certification	\$ 981	
10330-447000	Juvenile Crime Prevention		\$ 1,808
10380-481000	Investment Earnings		\$ 248
		<u>\$ 2,056</u>	<u>\$ 2,056</u>

Explanation: Juvenile Crime Prevention Control (10794) - To record increase in State funding and County matching funds of \$248 for the PASS program and JCPC Council Certification.

Net Budget Effect: Operating Fund (10) - Increased by \$2,056.

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
10480-557301	Floodplain Mapping Fees	\$ 5,000	
10340-450500	Administration & Filing Fees		\$ 5,000
		<u>\$ 5,000</u>	<u>\$ 5,000</u>

Explanation: Register of Deeds (10480) - Increase appropriations for Flood Plain Mapping Fees and amounts to remit to the NC Dept of Crime Control & Public Safety for the Flood Plain Mapping fund which became effective October 1, 2008 per G.S. 161-11.1 through 161-11.3.

Net Budget Effect: Operating Fund (10) - Increased by \$5,000.

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
10760-532900	Foster Care Supplement Fund Balance	\$ 35,673	
10390-499900	Appropriated		\$ 35,673

\$	35,673	\$	35,673
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Explanation: County Assistance (10760) - To carry-forward special adoption funds remaining as of June 30, 2008.

Net Budget Effect: Operating Fund (10) - Increased by \$35,673.

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
50545-545000	Contract Services-LC Fire	\$ 325,000	
50390-495040	T F - Capital Improvements		\$ 325,000
40750-587050	T T - Co Govt Construction	\$ 325,000	
40750-588000	Contingency		\$ 325,000
		<u>\$ 650,000</u>	<u>\$ 650,000</u>

Explanation: Lower Currituck Fire Dept (50545) - To establish a budget for structural repairs to the Lower Currituck Fire station located in Harbinger.

Net Budget Effect: County Govt Construction Fund (50) - Increased by \$325,000.

RESOLUTION REQUESTING THE GOVERNOR AND THE NORTH CAROLINA DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES RESTORE NORTH CAROLINA COMMERCIAL FISHERMEN'S ACCESS TO THE DOGFISH FISHERY

WHEREAS, The most recent and best available data shows that the stock of spiny dogfish is not overfished and that overfishing is not occurring; and

WHEREAS, North Carolina has historically (1988-2001) averaged 15% of the total dogfish landings on the east coast per year; and

WHEREAS, Since the implementation of the Atlantic States Marine Fisheries Commission's (ASMFC) Spiny Dogfish Fisheries Management Plan in 2002, North Carolina's commercial fishermen have not had access to 15% of the total allowable catch of dogfish, and the bulk of the quota set by ASMFC has been harvested by fishermen in other states thereby cutting the North Carolina fishing season short; and

WHEREAS, The ASMFC has set an 8 million pound total quota for dogfish for the 2008-2009 fishing year and the State of North Carolina should be allocated 15%, or 1.3 million pounds of the quota for 2008-2009; and

WHEREAS, Without a direct allocation to the State of North Carolina of 1.3 million pounds of the dogfish quota for the fishing year of 2008-2009, North Carolina will not be guaranteed a dogfish fishery because the full 8 million pound quota is likely to be harvested by fishermen in other states and the fishing season shortened in North Carolina once again; and

WHEREAS, A dedicated allocation of 1.3 million pounds of dogfish to the State of North Carolina would guarantee North Carolina fishermen their historic share of the dogfish quota, would benefit commercial fishermen, seafood processors, their employees in Hyde County and throughout the State, would lead to the development of dogfish processing facilities in North Carolina, and would have significant positive impacts upon the local economies of the coastal fishing counties including Hyde County and the State as a whole; and

WHEREAS, because the significant economic benefits to coastal fishing counties and the State of North Carolina, the allocation of the 1.3 million pound quota to North Carolina should be accomplished as soon as possible, specifically at the ASMFC meeting in August 2008;

NOW, THEREFORE, RE IT RESOLVED THAT THE Hyde County Board of Commissioners seeks emergency relief for its commercial fishermen. The Board asks that the Governor, without delay, direct the North Carolina Department of Environment and Natural Resources to immediately request the ASMFC to specifically allocate a 1.3 million pound annual spiny dogfish quota specifically allocated to North Carolina for the fishing season 2008-2009, and until such time that the ASMFC modifies the coast wide harvest quota to reflect NC historical landings. The Hyde County Board of Commissioners further requests that the Director of the North Carolina Division of Marine Fisheries be directed to present and defend this request to the ASMFC at their meeting in August, 2008.

NOW, THEREFORE, BE IT RESOLVED THAT THE Hyde County Board of Commissioners requests the Governor of North Carolina, the North Carolina General Assembly, and the North Carolina Marine Fisheries Commission fully support the North Carolina Department of Environment and Natural Resources and the Director of the North Carolina Division of Marine Fisheries in this effort to restore North Carolina commercial fishermen's access to the spiny dogfish fishery and take all other necessary measures to insure the survival of North Carolina's watermen.

Commissioner Etheridge moved to approve. Commissioner Gregory seconded the motion. Motion carried.

Commissioner's Report

Commissioner Taylor asked the County Manager to review the financial status of the county, to which he responded that the county is in very good financial status.

County Manager's Report

No comments.

Adjourn

There being no further business, the meeting adjourned.

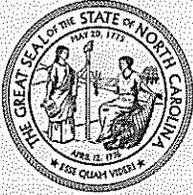
NAME OF FIRE DISTRICT MOYOCK COUNTY CURRITUCK

DISTRICT IS SERVED BY MOYOCK VOLUNTEER FIRE DEPARTMENT

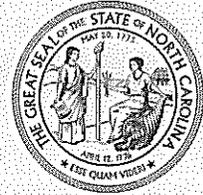
Mail to the N.C. Department of Insurance, Office of State Fire Marshal, 1202 Mail Service Center, Raleigh, N.C., 27699-1202

IT IS RECOMMENDED THIS REPORT BE RETURNED BY CERTIFIED MAIL

NOTE: This report must be filled out completely, must be signed and sworn to, and returned to the Insurance Commissioner **before October 31st** or no later than January 31. Reports postmarked after this date are in non-compliance and the fire department will not be eligible to receive their Firemen's Relief Fund monies.



**NORTH CAROLINA
RURAL FIRE DISTRICT
REPORT OF FIRE CONDITIONS**



As required by General Statute 58-84-46 of North Carolina, I Clerk do hereby make the following report on the Rural Fire District:

MOYOCK TOWNSHIP County of CURRITUCK

LOCAL FIREMEN'S RELIEF FUND BOARD

N.C. General Statutes 58-84-30

(This information must be provided each year)

IF DEPARTMENT DOES NOT WISH TO PARTICIPATE, PLEASE INDICATE IN THIS SECTION

Firemen's Relief Fund Trustees appointed by Fire Department (2)

1. Mr. ASHLEY LAPUT

Address 130 KINGS WAY

MOYOCK, NC 27958

2. Mr. BILL DOHERTY

148 BISON DRIVE

MOYOCK, NC 27958

Firemen's Relief Fund Trustees appointed by County Commissioners (2)

3. Mr. BILLY SMITHSON

Address 1143 SHAWBORO RD

SHAWBORO, NC 27973

4. Mr. ALICIA LANE

110 OAKDALE DR

MOYOCK, NC, 27958

Firemen's Relief Fund Trustee appointed by the Insurance Commissioner (1)

5. Mr. RICHARD LABOUNTY

Address 124 LONGHORN DR

MOYOCK, NC 27958

Same as last year? Yes No

If no, attach a copy of former Insurance Commissioner appointee's letter of resignation AND a copy of Fire Chief's letter of recommendation.

Circle position number of Firemen's Relief Fund Treasurer: (1) 2 3 4 5

I, SANDRA L HILL Clerk/Finance Officer of CURRITUCK County, NC do hereby certify that the foregoing is a true, full, and correct report of the Fire Department and fire conditions in said county, made by me as required under General Statute 58-84-46 of North Carolina.

Signature

Sworn to and subscribed before me, this _____ day of _____, 20 _____

Notary Signature

[SEAL]

NOTE: This report can not be accepted unless sworn to before a Notary or other officer with Seal.

5,000 copies of this public document were printed at a cost of \$192.78 or \$0.04 each.



Moyock Fire Department

October 10, 2008 .

To Whom It May Concern:

Leann Ruscoe is no longer the Treasurer of Moyock Fire Department. Per the recommendation of the Chief and the vote of the general membership of Moyock Fire Department, Leann Ruscoe has been replaced as Treasurer of Moyock Fire Department and financial manager of the Fireman's Relief Fund.

Leann Ruscoe has moved out of the state of North Carolina and is no longer able to fulfill her duties as Treasure of Moyock Fire Department and as financial manager of the Fireman's Relief Fund.

Ashley Laput is now the Treasurer of the Moyock Fire Department and the financial manager of the Fireman's Relief Fund.

Sincerely,

Richard Lane
Chief, Moyock Fire Department

P.O. Box 81 - 108 Puddin' Ridge Road - Moyock, NC 27958
252.435.2281 - Fax 252.435.6450 - moyockfd@mchsi.com

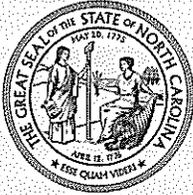
NAME OF FIRE DISTRICT LOWER CURRITUCK VFD COUNTY CURRITUCK

DISTRICT IS SERVED BY LOWER CURRITUCK VFD FIRE DEPARTMENT

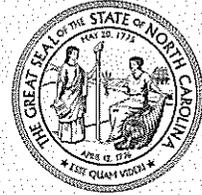
Mail to the N.C. Department of Insurance, Office of State Fire Marshal, 1202 Mail Service Center, Raleigh, N.C., 27699-1202

IT IS RECOMMENDED THIS REPORT BE RETURNED BY CERTIFIED MAIL

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**NORTH CAROLINA
RURAL FIRE DISTRICT
REPORT OF FIRE CONDITIONS**



As required by General Statute 58-84-46 of North Carolina, I Clerk do hereby make the following report on the Rural Fire District:

County of CURRITUCK

LOCAL FIREMEN'S RELIEF FUND BOARD

N.C. General Statutes 58-84-30

(This information must be provided each year)

IF DEPARTMENT DOES NOT WISH TO PARTICIPATE, PLEASE INDICATE IN THIS SECTION

Firemen's Relief Fund Trustees appointed by Fire Department (2)

1. Mr. MS. GINA TANGREDI
Address 116 ROWLAND CREEK RD
MOYOCK, NC 27958

2. Mr. MS. MAUREEN O'SHEA
PO BOX 13
HARBINGER, NC 27941

Firemen's Relief Fund Trustees appointed by County Commissioners (2)

3. Mr. AARON GAY
Address 209 WORTH GUARD RD
COINJOCK, NC 27923

4. Mr. WILLIAM JONES
2032 CREEK ROAD
KITTY HAWK, NC 27949

Firemen's Relief Fund Trustee appointed by the Insurance Commissioner (1)

5. Mr. JAMES MOSEMAN
Address PO BOX 211
GRANDY, NC 27939

Same as last year? Yes No
If no, attach a copy of former Insurance Commissioner appointee's letter of resignation AND a copy of Fire Chief's letter of recommendation.

Circle position number of Firemen's Relief Fund Treasurer: 1 2 3 (4) 5

I, _____ Clerk/Finance Officer of CURRITUCK County, NC do hereby certify that the foregoing is a true, full, and correct report of the Fire Department and fire conditions in said county, made by me as required under General Statute 58-84-46 of North Carolina.

Signature

Sworn to and subscribed before me, this _____ day of _____, 20____

Notary Signature

[SEAL]

NOTE: This report can not be accepted unless sworn to before a Notary or other officer with Seal.

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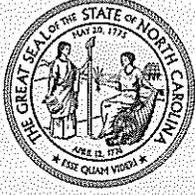
NAME OF FIRE DISTRICT POPLAR BRANCH BEACH COUNTY CURRITUCK

DISTRICT IS SERVED BY COROLLA FIRE AND RESCUE INC FIRE DEPARTMENT

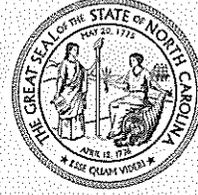
Mail to the N.C. Department of Insurance, Office of State Fire Marshal, 1202 Mail Service Center, Raleigh, N.C., 27699-1202

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**NORTH CAROLINA
RURAL FIRE DISTRICT
REPORT OF FIRE CONDITIONS**



As required by General Statute 58-84-46 of North Carolina, I Clerk do hereby make the following report on the Rural Fire District:

POPLAR BRANCH BEACH County of CURRITUCK

LOCAL FIREMEN'S RELIEF FUND BOARD

N.C. General Statutes 58-84-30

(This information must be provided each year)

IF DEPARTMENT DOES NOT WISH TO PARTICIPATE, PLEASE INDICATE IN THIS SECTION

Firemen's Relief Fund Trustees appointed by Fire Department (2)

- | | |
|--------------------------------------|----------------------------|
| 1. Mr. <u>ELEANOR COLLINS</u> | 2. Mr. <u>AMANDA BOEGE</u> |
| Address <u>1024 LIGHTHOUSE DRIVE</u> | <u>868 WELK CT</u> |
| <u>COROLLA, NC 27927</u> | <u>COROLLA, NC 27927</u> |

Firemen's Relief Fund Trustees appointed by County Commissioners (2)

- | | |
|-------------------------------|-----------------------------|
| 3. Mr. <u>BARRY RICHMAN</u> | 4. Mr. <u>ROBERT WEMYSS</u> |
| Address <u>868 WELK COURT</u> | <u>853 SAWGRASS COURT</u> |
| <u>COROLLA, NC 27927</u> | <u>COROLLA, NC 27927</u> |

Firemen's Relief Fund Trustee appointed by the Insurance Commissioner (1)

- | | |
|------------------------------------|--|
| 5. Mr. <u>DOUG WENDLING</u> | Same as last year? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> |
| Address <u>581 HUNT CLUB DRIVE</u> | If no; attach a copy of former Insurance Commissioner appointee's |
| <u>COROLLA, NC 27927</u> | letter of resignation AND a copy of Fire Chief's letter of recommendation. |

Circle position number of Firemen's Relief Fund Treasurer: 1 2 3 (4) 5

I, SANDRA HILL Clerk (Finance Officer) of CURRITUCK County, NC do hereby certify that the foregoing is a true, full, and correct report of the Fire Department and fire conditions in said county, made by me as required under General Statute 58-84-46 of North Carolina.

Signature

Sworn to and subscribed before me, this _____ day of _____, 20_____

Notary Signature

[SEAL]

NOTE: This report can not be accepted unless sworn to before a Notary or other officer with Seal.

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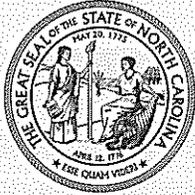
NAME OF FIRE DISTRICT FRUITVILLE OUTER BANKS COUNTY CURRITUCK

DISTRICT IS SERVED BY CAROVA BEACH VOL. FIRE DEPT. & RESCUE, INC FIRE DEPARTMENT

Mail to the N.C. Department of Insurance, Office of State Fire Marshal, 1202 Mail Service Center, Raleigh, N.C., 27699-1202

IT IS RECOMMENDED THIS REPORT BE RETURNED BY CERTIFIED MAIL

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**NORTH CAROLINA
RURAL FIRE DISTRICT
REPORT OF FIRE CONDITIONS**



As required by General Statute 58-84-46 of North Carolina, I Clerk do hereby make the following report on the Rural Fire District:

FRUITVILLE TOWNSHIP County of CURRITUCK

LOCAL FIREMEN'S RELIEF FUND BOARD

N.C. General Statutes 58-84-30

(This information must be provided each year)

IF DEPARTMENT DOES NOT WISH TO PARTICIPATE, PLEASE INDICATE IN THIS SECTION

Firemen's Relief Fund Trustees appointed by Fire Department (2)

- | | |
|--------------------------------------|------------------------------|
| 1. Mr. <u>MS. MARLENE ANN SLATE</u> | 2. Mr. <u>GENE WALTERS</u> |
| Address <u>2369 OCEAN SANDS ROAD</u> | <u>2010 SANDFIDDLER ROAD</u> |
| <u>COROLLA, NC 27927</u> | <u>COROLLA, NC 27927</u> |

Firemen's Relief Fund Trustees appointed by County Commissioners (2)

- | | |
|---------------------------------------|------------------------------|
| 3. Mr. <u>MARK STEVENS</u> | 4. Mr. <u>DONNIE TADLOCK</u> |
| Address <u>1837 SUMMERHEDGE CLOSE</u> | <u>2006 OCEAN PEARL ROAD</u> |
| <u>VIRGINIA BEACH, VA 23456</u> | <u>COROLLA, NC 27927</u> |

Firemen's Relief Fund Trustee appointed by the Insurance Commissioner (1)

- | | |
|--------------------------------------|--|
| 5. Mr. <u>RANDALL SPENCER</u> | Same as last year? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> |
| Address <u>2302 SANDFIDDLER ROAD</u> | If no; attach a copy of former Insurance Commissioner appointee's |
| <u>COROLLA, NC 27927</u> | letter of resignation AND a copy of Fire Chief's letter of recommendation. |

Circle position number of Firemen's Relief Fund Treasurer: (1) 2 3 4 5

I, SANDRA HILL Clerk/Finance Officer of CURRITUCK County, NC do hereby certify that the foregoing is a true, full, and correct report of the Fire Department and fire conditions in said county, made by me as required under General Statute 58-84-46 of North Carolina.

Signature

Sworn to and subscribed before me, this _____ day of _____, 20 _____

Notary Signature

[SEAL]

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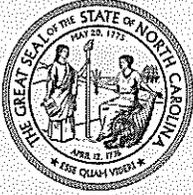
NAME OF FIRE DISTRICT CRAWFORD TOWNSHIP COUNTY CURRITUCK

DISTRICT IS SERVED BY CRAWFORD TOWNSHIP VOLUNTEER FIRE FIRE DEPARTMENT

Mail to the N.C. Department of Insurance, Office of State Fire Marshal, 1202 Mail Service Center, Raleigh, N.C., 27699-1202

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**NORTH CAROLINA
RURAL FIRE DISTRICT
REPORT OF FIRE CONDITIONS**



As required by General Statute 58-84-46 of North Carolina, I Clerk do hereby make the following report on the Rural Fire District:

CRAWFORD TOWNSHIP VOL FIRE County of CURRITUCK

LOCAL FIREMEN'S RELIEF FUND BOARD

N.C. General Statutes 58-84-30

(This information must be provided each year)

IF DEPARTMENT DOES NOT WISH TO PARTICIPATE, PLEASE INDICATE IN THIS SECTION

Firemen's Relief Fund Trustees appointed by Fire Department (2)

1. Mr. CHRIS L DAILEY
Address 224 DOZIER ROAD
MOYOCK, NC 27958

2. Mr. REBECCA F MIMS
164 SPECKLE PERCH LANE
MOYOCK, NC 27958

Firemen's Relief Fund Trustees appointed by County Commissioners (2)

3. Mr. STEVEN VANHISE
Address 103 CAROTAU DRIVE
CURRITUCK, NC 27929

4. Mr. JOSEPH CHRIS POPE
102 PATRIOT WAY
BARCO, NC 27917

Firemen's Relief Fund Trustee appointed by the Insurance Commissioner (1)

5. Mr. JOHN W FORBES JR
Address PO BOX 96
CURRITUCK, NC 27929

Same as last year? Yes X No _____
If no; attach a copy of former Insurance Commissioner appointee's letter of resignation AND a copy of Fire Chief's letter of recommendation.

Circle position number of Firemen's Relief Fund Treasurer: 1 2 3 4 5

I, SANDRA L HILL Clerk/Finance Officer of CURRITUCK County, NC do hereby certify that the foregoing is a true, full, and correct report of the Fire Department and fire conditions in said county, made by me as required under General Statute 58-84-46 of North Carolina.

Signature

Sworn to and subscribed before me, this _____ day of _____, 20 _____

Notary Signature

[SEAL]

NOTE: This report can not be accepted unless sworn to before a Notary or other officer with Seal.

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BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 20th day of October 2008, passed the following amendment to the budget resolution for the fiscal year ending June 30, 2009.

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		<u>Decrease Revenue or Increase Expense</u>	<u>Increase Revenue or Decrease Expense</u>
55818-591003	Wells - Raw Water Line 1	\$ 197,292	
55818-591004	Wells - Raw Water Line 2		\$ 42,000
55818-588001	Wells - Contingency		\$ 108,743
55848-58004	Tanks - Contingency		\$ 46,549
55818-592001	R. O. Plant	\$ 39,800	
55818-588002	Water Plant Contingency		\$ 39,000
		<u>\$ 237,092</u>	<u>\$ 236,292</u>

Explanation: Mainland Water Construction (55818) - To transfer funds within the mainland water construction project for the Hendrix Barnhill Co. Inc contract for Raw Water Main for R.O. Wells and for change order #1 for Crowder Construction for the plant.

Net Budget Effect: Mainland Water Construction Fund (55) - no change.

Minute Book # _____, Page # _____

Journal # _____

Clerk to the Board



Number 2009030

BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 20th day of October 2008, passed the following amendment to the budget resolution for the fiscal year ending June 30, 2009.

<u>Account Number</u>	<u>Account Description</u>	Debit <u>Decrease Revenue or Increase Expense</u>	Credit <u>Increase Revenue or Decrease Expense</u>
10535-516000	Repairs and Maintenance	2,779	
10535-590000	Contracted Services		2,779
		<u>\$2,779</u>	<u>\$2,779</u>

Explanation: Communications (10535) - Transfer funds within budget for tower repairs due to lightning damage.

Net Budget Effect: Operating Fund (10) - No change.

Minute Book # _____, Page # _____

Journal # _____

Clerk to the Board



Number 2009031

BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 20th day of October 2008, passed the following amendment to the budget resolution for the fiscal year ending June 30, 2009.

<u>Account Number</u>	<u>Account Description</u>	<u>Debit</u> <u>Decrease Revenue or</u> <u>Increase Expense</u>	<u>Credit</u> <u>Increase Revenue or</u> <u>Decrease Expense</u>
10790-532000	Supplies	400	
10380-483000	Library Donations		400
		<u>\$400</u>	<u>\$400</u>

Explanation: Library (10790) - To increase budgeted line items to record donation by the Moyock Women's Club to purchase a rug for the library.

Net Budget Effect: Operating Fund (10) - Increased by \$400.

Minute Book # _____, Page # _____

Journal # _____

Clerk to the Board

CONTRACT CHANGE ORDER

Mainland Water Treatment Plant Reverse Osmosis Expansion Currituck County, North Carolina

To: Crowder Construction
Company, Inc.
1111 Burma Drive
Apex, NC 27539

Date
Project No.
Contract No.
Change Order No.

September 26, 2008

NC706021.3000

1

You are hereby requested to comply with the following changes from the Contract Documents:

Item Number	Description of Changed Quantities, Units, Unit Prices, Changes in Completion Schedule, etc.	Change in Contract Price	Change in Contract Time (Calendar Days)
(1)	(2)		(4)
1	Addition of Storm Water Pipe from Building Downspouts - WCD #1	\$5,214.00	0
2	Addition of Baffle Wall in Storm Water Pond/Grass Swale - WCD #2	\$3,443.00	0
3	Addition of New Magmeter in Existing Raw Water Meter Vault - WCD #3	\$3,682.00	1
4	Relocation of Existing 12" Potable Water Line - WCD #3	\$5,437.00	0
5	Addition of Yard Pipe Fittings - WCD #3	\$9,942.00	0
6	Credit for Deletion of Chemical Feed Pump SCU's/PCU's	(\$11,731.00)	0
7	Additions and Modifications to On-Site Deep Well #1 Electrical System - WCD #4	\$9,237.00	0
8	Increase of Electrical Components Available Fault Current - WCD #8	\$11,377.00	0
9	Addition of Trap Primers in Chemical Areas	\$3,931.00	0
10	Credit for Deletion of Pipe Fittings	(\$732.00)	0
Net Change in Contract due to this Change Order		\$39,800.00	1
Contract Summary			
Original Contract Amount		\$10,234,084.00	426
Added (Deducted) By Previous Change Order(s)			
Subtotal		\$10,234,084.00	426
Added (Deducted) By This Change Order		\$39,800.00	1
Total Adjusted Contract		\$10,273,884.00	427
The Original Contract Substantial Completion Date is:			May 12, 2009
The Revised Substantial Completion Date based upon this Change Order is:			May 13, 2009
This document shall become an amendment to the Contract and all provisions of the contract shall apply hereto.			

Recommended By:

Daniel C. Williams

ARCADIS G&M of North Carolina, Inc.
Carlos W. Jones

Crowder Construction Company

Date: 9/26/2008

Accepted By:

Date: 9/30/2008

Approved By:

Currituck County

Date: _____

DISTRIBUTION: (Original documents to be provided as follows:)

Currituck County
Crowder Constuction Company

ARCADIS
Contractor's Surety

CONTRACT CHANGE ORDER NO. 1

NARRATIVE

Mainland Water Treatment Plant RO Expansion
Currituck County, North Carolina
Project No. NC706021.3000

Total Requested for this Change Order: \$39,800.00

Item 1 – Addition of Storm Water Pipe from Building Downspouts

In response to Stormwater Management Permit comments from NC Division of Water Quality, ARCADIS issued Work Change Directive #1 to Crowder Construction to install a 4" PVC pipe to convey water from gutters and downspouts on the east side of the new RO building to the new storm water pond. Crowder Construction has submitted a request for contract change in the amount of \$5,214 .00 to complete the work as outlined in WCD #1. ARCADIS recommends approval of this item.

Ref: Change Proposal Request No. 1 dated August 4, 2008
Work Change Directive #1 dated February 20, 2008

Item 2 – Addition of Baffle Wall in Storm Water Pond/Grass Swale

In response to additional Stormwater Management Permit comments from NC Division of Water Quality, ARCADIS issued Work Change Directive #2 to Crowder Construction to install a pressure treated wood baffle wall, a grass swale on the southeast corner of the site, and relocation of the storm water riser within the new storm water pond. Crowder Construction has submitted a request for contract change in the amount of \$3,443.00 to complete the work as outlined in WCD #2. ARCADIS recommends approval of this item.

Ref: Change Proposal Request No. 2 dated August 4, 2008
Work Change Directive #2 dated March 18, 2008

Item 3 – Addition of New Magmeter in Existing Raw Water Meter Vault

In response to the County's request to have the ability to accurately measure the flow of raw water as it enters the existing water treatment plant, ARCADIS issued as part of Work Change Directive #3 to Crowder Construction to remove the existing flow control valve abandoned by the County and install a new electromagnetic flow meter within the existing raw water meter vault. Crowder Construction has submitted a request for contract change in the amount of \$3,682.00 and a request for contract time extension in the amount of one calendar day to complete this portion of the work as outlined in WCD #3. ARCADIS recommends approval of this item.

Ref: Change Proposal Request No. 3 dated August 4, 2008
Work Change Directive #3 – Revised dated May 29, 2008

Item 4 – Relocation of Existing 12" Potable Water Piping

Prior to the beginning of site excavation, test holes determined the existing 12" potable water line was not installed in the location as documented on the 1990 record drawings from the construction of the existing

water plant. The confirmed location of the existing 12" potable water line would require the Contractor to support this pipe eight feet above the contractor's crews while excavation and construction of the building basement was completed. While means and methods were available to support this pipe during the excavation of the building foundations, the County expressed concern that the existing 12" potable water line, the only connection between the existing water treatment plant and the water distribution system, could be compromised during the peak summer months. ARCADIS issued as part of Work Change Directive #3 to Crowder Construction a revised site piping layout that relocated the existing 12" potable water line safely away from the construction activities. Crowder Construction has submitted a request for contract change in the amount of \$5,437.00 to complete this portion of the work as outlined in WCD #3. ARCADIS recommends approval of this item.

Ref: Change Proposal Request No. 3 dated August 4, 2008
Work Change Directive #3 – Revised dated May 29, 2008

Item 5 – Addition of Yard Pipe Fittings

In response to the relocation of Raw Water Deep Well #2 from the air port property to the north east corner of the water plant property, ARCADIS issued as part of Work Change Directive #3 to Crowder Construction a revised site piping layout with direction to install a 20"x8" tee, and an 8" valve to allow a tie-in of the raw water piping (installed under another contract) from Raw Water Deep Well #2 to the 20" Deep Raw Water main that provides raw water to the new RO plant. In addition to the change noted above, an additional 16" 45 degree bend was required to relocate a future potable water tie-in away from the raw water tie-in noted above. Crowder Construction has submitted a request for contract change in the amount of \$9,942.00 to complete this portion of the work as outlined in WCD #3. ARCADIS recommends approval of this item.

Ref: Change Proposal Request No. 3 dated August 4, 2008
Work Change Directive #3 – Revised dated May 29, 2008

Item 6 – Credit for Deletion of Chemical Feed Pump SCU's/PCU's

The controls for the chemical feed pumps include a control panel to provide remote operation of the chemical pumps during operation of the new RO treatment plant. However, during shop drawing review, it was noted in the contract specifications that an additional control system above and beyond what was needed to remotely control the chemical pumps was specified and included in the chemical feed pump vendor's proposal. ARCADIS requested a credit be provided to the Owner to delete the additional control systems not required. Crowder Construction has submitted a contract credit in the amount of \$11,731.00. ARCADIS recommends approval of this item.

Ref: Change Proposal Request No. 5 dated September 15, 2008

Item 7 – Additions and Modifications to On-Site Deep Well #1 Electrical System

In response to the changes made to the Raw Water Deep Well project (by others), ARCADIS issued Work Change Directive #4 to Crowder Construction to increase the wire size and pump starter size for Raw Water Deep Well #1. This change was required due to the original motor size ARCADIS designed around was increased from 30 hp to 40 hp. In addition, the controls for Raw Water Deep Well #1 were revised to provide a simpler control system to aid plant staff in future troubleshooting of the control system. .

Crowder Construction has submitted a request for contract change in the amount of \$9,237.00 to complete this portion of the work as outlined in WCD #4. ARCADIS recommends approval of this item.

Ref: Change Proposal Request No. 6 dated September 26, 2008
Work Change Directive #4 dated June 11, 2008

Item 8 – Increase of Electrical Components Available Fault Current

As part of the contract documents, the Contractor was required to perform a short circuit analysis to determine available fault currents in the major electrical components of the new facility. Upon completion of this study, it was noted the Main Switchboard, Motor Control Center and Power Panel #1 as specified were unable to meet the requirements for available fault current. The contract specifications required these particular components to be rated 65,000 AIC (Ampere Interrupting Current). The equipment is sufficient as specified for the plant demands, however, when the back-up generator is initiated, and the utility power and the generator power are in sync, the potential exists for a short circuit that is excess of the rating for the above mentioned equipment. ARCADIS issued as part of Work Change Directive #8 to Crowder Construction a directive to increase the AIC rating for the above mentioned components from 65,000 AIC to 100,000 AIC to eliminate any concerns of potential short circuits damaging essential plant equipment. Crowder Construction has submitted a request for contract change in the amount of \$11,377.00 to complete this portion of the work as outlined in WCD #8. ARCADIS recommends approval of this item.

Ref: Change Proposal Request No. 7 dated September 12, 2008
Work Change Directive #8 dated September 8, 2008

Item 9 – Addition of Trap Primers in Chemical Areas

In response to concerns regarding the potential for sewer gas traveling into the chemical storage area through floor drains, ARCADIS requested a quote from the Contractor to provide trap primers for the floor drains within the chemical storage area. Trap primers keep P-Traps in the drain lines full of water to prevent sewer gases from entering occupied areas through drain piping connected to a sewer system. ARCADIS initially specified standard P-traps without trap primers in the drain piping due to expectations that the chemical areas would have wash downs at regular intervals that would prevent the water in the P-trap from evaporating and allowing sewer gas to enter the building. However, after discussion with County staff on the expected operations of the chemical systems in this area, it was determined wash downs may not occur as frequently as originally thought, and it was recommended to have trap primer installed. Crowder Construction has submitted a request for contract change in the amount of \$3,931.00 to complete this portion of the work. This work will be documented in a future Work Change Directive. ARCADIS recommends approval of this item.

Ref: Change Proposal Request No. 4 dated September 17, 2008

Item 10 – Credit for Deletion of Pipe Fittings

In response to changes in required fittings for yard piping, Crowder Construction has submitted a contract credit in the amount of \$732.00. ARCADIS recommends approval of this item.

Ref: Change Proposal Request No. 8 dated September 19, 2008

State of North Carolina



MICHAEL F. EASLEY
GOVERNOR

DOMESTIC VIOLENCE AWARENESS MONTH

and

NATIONAL DAY OF UNITY

2008

BY THE GOVERNOR OF THE STATE OF NORTH CAROLINA

A PROCLAMATION

WHEREAS, domestic violence is a pattern of control in an intimate relationship where one person uses coercion and violence to gain power and control over their partner; and

WHEREAS, domestic violence includes not only physical abuse, but also mental abuse, emotional abuse, financial abuse, isolation, and sexual violence; and

WHEREAS, women of all races and socioeconomic backgrounds are vulnerable to violence by an intimate partner; and

WHEREAS, according to a Commonwealth Fund Survey, nearly 1/3 (31 percent) of American women report being raped and/or physically assaulted by a current or former spouse, partner, or date at some time in their lifetime; and

WHEREAS, on average, more than three women are murdered by their husbands or boyfriends in this country every day, according to the US Department of Justice; and

WHEREAS, according to the North Carolina Coalition Against Domestic Violence, in North Carolina alone, over 500 women, men, and children have been murdered as a result of domestic violence since January 1, 2002; and

WHEREAS, NC ranked 11th in the nation for the number of per capita homicides committed by men against women in 2005, up from a ranking of 15th the year before, according to the Violence Policy Center; and

WHEREAS, according to the Women's Institute for Leadership Development for Human Rights, high rates of poverty, poor education, limited job resources, language barriers, and fear of deportation increase the difficulty in finding help and support services for women of color; and

WHEREAS, according to the North Carolina Coalition Against Domestic Violence, understanding all forms of oppression will lead to the social change necessary for the elimination of the institutional, cultural, and individual oppressions that contribute to domestic violence;

NOW, THEREFORE, I, MICHAEL F. EASLEY, Governor of the State of North Carolina, do hereby proclaim October 2008, as "DOMESTIC VIOLENCE AWARENESS MONTH" and October 1, 2008, as "NATIONAL DAY OF UNITY" in North Carolina. I further urge our citizens to increase their awareness and education of this destructive force which deeply affects a large number of families in our state each year and to become part of the efforts to stop violence in families.




MICHAEL F. EASLEY

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Great Seal of the State of North Carolina at the Capitol in Raleigh, North Carolina, on the 15th day of September in the year of our Lord two thousand eight, and of the Independence of the United States of America the hundred and thirty-third.